

CA4 ON HBL A05 C51 F31
1990

URBAN MUNICIPAL
October -

FINANCE AND ADMINISTRATION
COMMITTEE

URBAN/MUNICIPAL
CA4 ON HBL AOS
C51F31
1990



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Urban/Municipal Collections
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J.J. SCHATZ
DEPUTY CITY CLERK

THE CORPORATION OF THE CITY OF HAMILTON
OFFICE OF THE CITY CLERK

TEL: 546-2700
FAX: 546-2095

URBAN MUNICIPAL

OCT 1/90

~~1990~~ September 27

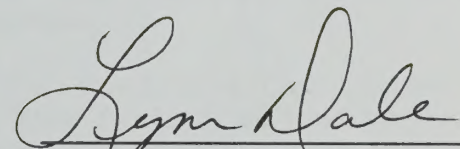
GOVERNMENT DOCUMENTS

NOTICE OF JOINT MEETING

**FINANCE AND ADMINISTRATION COMMITTEE AND
PARKS AND RECREATION COMMITTEE**

Tuesday, 1990 October 02
10:30 o'clock a.m.
Room 233, City Hall


John Thompson, Secretary
Finance and Administration Committee


Lynn Dale, Secretary
Parks and Recreation Committee

A G E N D A:

1. **DIRECTOR OF PUBLIC WORKS/FIRE CHIEF**
- Amalgamated Fire Station - Macassa Park
2. **ADJOURNMENT.**

FOR ACTION

1.

REPORT TO: Ms. L. Dale
Secretary, Parks and Recreation Committee

Mr. J. Thompson
Secretary, Finance and Administration Committee

FROM: Mr. J. G. Pavelka, P.Eng.
Director of Public Works

DATE: 1990 September 25

COMM FILE:

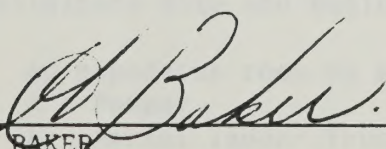
DEPT FILE: 90-Macassa

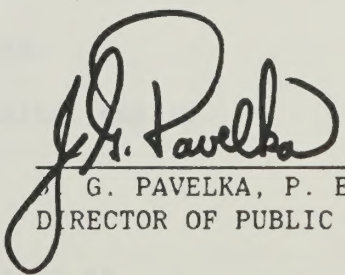
Mr. G. Baker, Fire Chief

SUBJECT: Amalgamated Fire Station - Macassa Park

RECOMMENDATION:

- A) That approval be given to locate the proposed Fire Station combining the Wentworth and Mohawk Station and the Upper Gage and Queensdale Station in the north-west corner of Macassa Park on Upper Sherman Avenue.
- B) That the Public Works Department in conjunction with the Fire Department host a public information meeting to outline the proposal, prior to project implementation, in the Macassa neighbourhood,
- C) That the \$800,000.00 in funds available for the acquisition of land for the fire station, be transferred to the 5% Park Dedication Fund to compensate for costs associated with the use of Macassa Park as the fire station site.
- D) That approval be given to cancel the contract awarded to Dufferin Construction Limited for the construction of a "park user" parking lot, at a cost of \$12,000 penalty payment to Dufferin, and that the funds approved for the 1990 implementation of this parking lot be held over to coincide with the construction of the fire station.


G. BAKER
FIRE CHIEF


G. PAVELKA, P. ENG.
DIRECTOR OF PUBLIC WORKS

FINANCIAL IMPLICATIONS:

Not with standing that the market value of the lands within Macassa Park that are required for the Fire Station is \$900,000.00, there is only \$800,000.00 available in the Capital Budget for fire station land acquisition.

DATE: 10/1/78

TO: [illegible]

FROM: [illegible]

SUBJECT: [illegible]

RE: [illegible]

DATE: 10/1/78

TO: [illegible]

FROM: [illegible]

DATE: 10/1/78

MEMORANDUM

1. The purpose of this memorandum is to inform the Board of the results of the recent survey of the Board's members regarding the Board's effectiveness. The survey was conducted by the Board's Executive Committee and the results are as follows:

2. The survey results indicate that the Board is generally effective in its role as a governing body. The Board's members are satisfied with the Board's performance and the Board's effectiveness is generally high.

3. The survey results also indicate that the Board's members are generally satisfied with the Board's effectiveness. The Board's members are generally satisfied with the Board's performance and the Board's effectiveness is generally high.

4. The survey results also indicate that the Board's members are generally satisfied with the Board's effectiveness. The Board's members are generally satisfied with the Board's performance and the Board's effectiveness is generally high.

[Signature]
[illegible]
[illegible]

[Signature]
[illegible]
[illegible]

CONCLUSION

The survey results indicate that the Board is generally effective in its role as a governing body. The Board's members are satisfied with the Board's performance and the Board's effectiveness is generally high.

These funds should be transferred to the 5% Park dedication according to the following breakdown.

- 1) The land acquisition costs based upon acquiring 5 privately owned single family residences for the station's development are approximately \$800,000.00. These funds could be saved through the use of the City owned lands in Macassa Park. However, Public concern over the use of parkland/greenspace for the development of public facilities is a mounting issue which cannot be ignored, therefore \$748,000.00 should be set aside and made available for the acquisition of property for park purposes in this neighbourhood, if possible or elsewhere, within the City.
- 2) Mangalore Gardens, a horticultural feature in Macassa Park, must be relocated to allow for the Fire Station. The cost of this work is estimated at \$40,000.00.
- 3) Deferral of the Dufferin Construction Company contract for the construction of the approved, park user, parking lot in Macassa Park is estimated to cost:

A \$12,000.00 charge to the City should the Fire Station development cause a cancellation of Dufferin's contract for the parking lot construction.

Total costs for locating within Macassa Park, therefore, are \$800,000.00
Other costs associated with the development of the Amalgamated Fire Station, remain more or less equal for any site chosen.

BACKGROUND:

On May 24, 1990 the Finance and Administration Committee directed the Fire Chief and the Director of Public Works to report jointly to the Finance and Administration Committee and the Parks and Recreation Committee as to the implications of constructing the proposed amalgamated fire station in Macassa Park.

Site meetings and investigations by representatives of the Fire, Property and Public Works Departments are concluded in the following.

Preliminary Site and Building Requirements.

- a) An apparatus room to accommodate 3 units, namely,
 - 1 - Pumper
 - 1 - Aerial ladder truck
 - 1 - Emergency Unit
- b) A staff consisting of 56 (14 per shift X 4)
- c) Parking of 20 vehicles plus 1 stall for a handicapped person, and

Considering the requirements for the turning radius of fire fighting vehicles, parking requirements and yard requirements to meet zoning regulations, it is estimated that the 250'-0" wide X 220'-0" deep (55,000 sq.ft.) site lot will be adequate.

The location for the proposed Fire Station is illustrated on the attached plan. This location is the preferred site within this park. However, with a land base requirement of approximately 55,000 sq.ft. there will be significant impacts upon Macassa Park, including:

- 1) Mangalore Gardens: The structural and horticultural treatments within Macassa Park known as Mangalore Gardens, could be dismantled and relocated either within the park or to a more suitable location such as T.B. McQueston Park.

The costs associated with this work are approximately:

- Removal	\$ 5,000.00
- Re-instatement	\$35,000.00

Total \$40,000.00

- 2) Park User Parking Lot: A tender for the construction of a parking lot with 32 spaces was awarded to Dufferin Construction Company, for 1990 implementation. Their June 1990 project start date was delayed to allow the City time to complete the Macassa Park - Fire Station site review.

The cost of this delay, to the City, should the parking lot be developed this year in accordance with Dufferin's contract, will be approximately \$9,000.00. Should the development of the Fire Station result in the cancellation of Dufferin's contract then a \$12,000.00 charge will be forwarded to the City.

It seems reasonable from an economic and development perspective to have the park user parking area designed and constructed to coincide with the Fire Station implementation to maximize potentials and reduce overlaps and conflicts.

- 3) Recreational openspace: As indicated on the park layout plan, any location for a Fire Station in this park will conflict with existing high demand recreational openspace.

The north-west corner site has an impact upon the adjacent soccer field. The two larger fields in the west end of the park have been temporarily divided into 4 smaller fields. This dividing of fields was completed to satisfy high demand for junior soccer fields, at the request of the Mount Hamilton Soccer Club.

The Public Works and Culture and Recreation Departments are constantly under pressure to provide active recreational open space. Macassa Park functions as a community park and there is a shortage of sites to which any displaced activities could be shifted.

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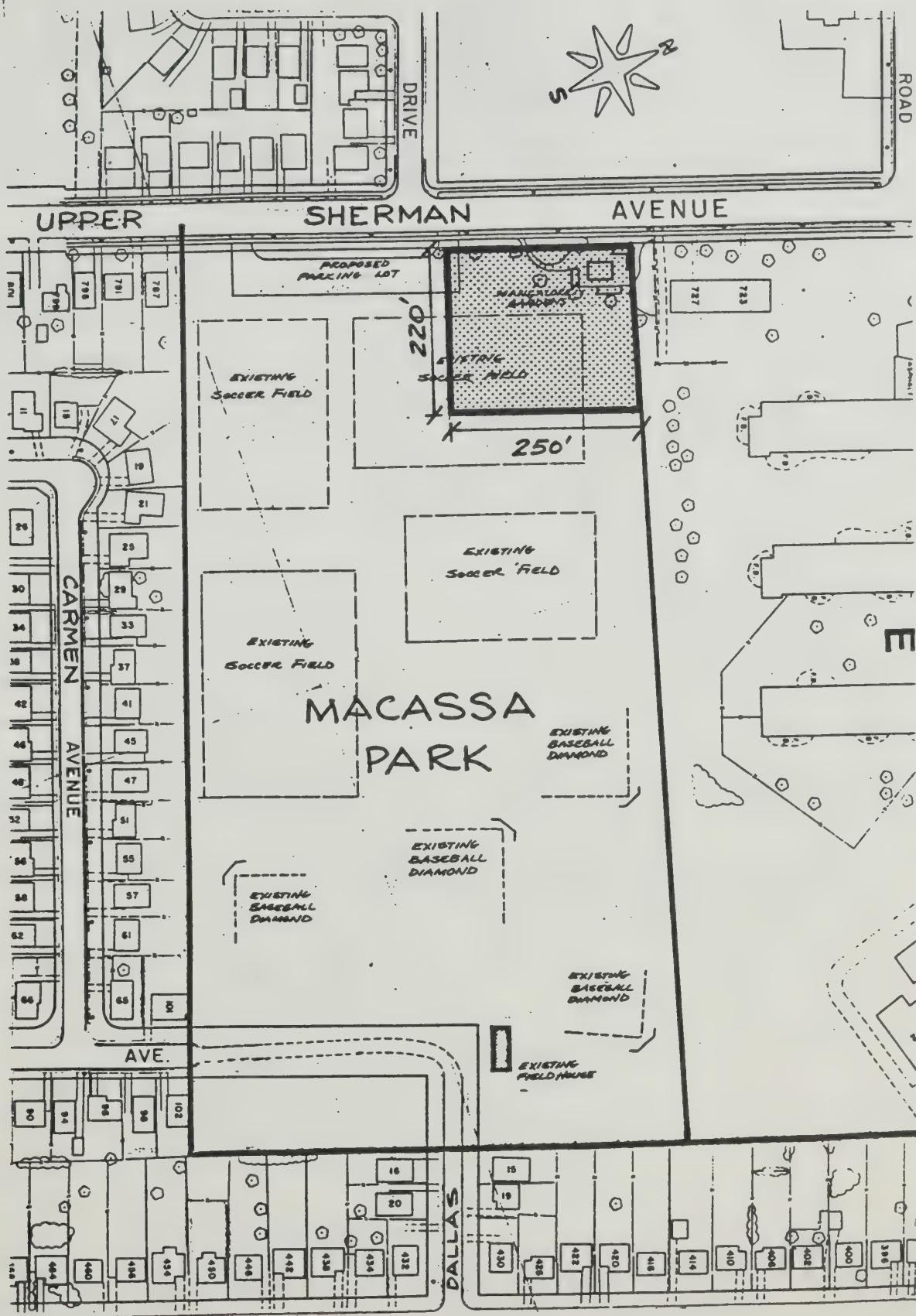
There is a shortage of parkland in the vicinity of the Macassa neighbourhood. Citing recent public concern over the placement of structures within parks such as has been experienced with the Lake Avenue Senior Citizens Centre, it seems reasonable to anticipate considerable public concern to the placement of a Fire Station within this park.

To offset these concerns an investigation should be undertaken as to the potential for utilizing the funding originally anticipated for use in acquiring the private lands previously desired for the Fire Station to balance costs associated with the removal of Mangalore Gardens, a soccer field and the parking area.

In addition a public meeting should be scheduled at which time the Fire and Public Works Departments can advise as to the implications of this proposal.

CFE/mc
Attachment

cc: - L. Sage, Chief Administrative Officer
D. Vyce, Director of Property Department
E. Matthews, Treasurer



MACASSA PARK
AMALGAMATED FIRE STATION
PROPOSED SITE PLAN
SCALE: 1"=200'



K.E. AVERY
CITY CLERK

J.J. SCHATZ
DEPUTY CITY CLERK

CITY HALL
HAMILTON, ONTARIO
L8N 3T4

THE CORPORATION OF THE CITY OF HAMILTON
OFFICE OF THE CITY CLERK

TEL: 546-2700
FAX: 546-2095

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1990

NOTICE OF MEETING

FINANCE AND ADMINISTRATION COMMITTEE

Thursday, 1990 October 4

9:30 o'clock a.m.

Room 233, City Hall



John Thompson
Secretary

A G E N D A

9:30
a.m.

1. Recognition of Successful Achievement of Municipal Management Designations:

Mr. Stan Hollowell, Manager, Records Division
Ms. Tina Agnello, Legislative Assistant I

2. **CONSENT AGENDA**

3. **DIRECTOR OF PROPERTY**

Sale of Part of 2300 Brampton Street to Regional Municipality of Hamilton-Wentworth

10:00
a.m.

4. **CITY SOLICITOR**

Smoke Alarms and Emergency Lighting By-law

5. **TREASURER**

- (a) 1991-1995 Capital Budget Timetable
- (b) 1991 Current Budget Timetable and Approval Process
- (c) Write-Off of Outstanding Business Taxes
- (d) Resolution of the Association of Municipalities of Ontario
Re: Business Tax Assessment
- (e) Tax Applications Processed

6. **ALDERMAN D. ROSS**

Review Policy Re: Requests for Donations to Various Disaster Relief Funds

7. **1990 ONTARIO NON-PROFIT HOUSING ASSOCIATION
CONFERENCE**

Conference - 1990 November 6-9 - Hamilton

8. **ALDERMAN D. AGOSTINO**

Unauthorized Dumping of Debris by Truckers

9. **TAXI ADVISORY COMMITTEE**

Illuminated Roof Signs for Taxi Cabs

11:00
a.m.

BREAK

10. **DELEGATIONS**

11:05

- (a) Convention/Reception Grant Appeal - Ontario Music Educators Conference

11:20
a.m.

- (b) Mr. Paul R. Hultslander, Director of Sales, Heirloom Publishing Inc. - Purchase of Pages of Space by the City of Hamilton in "Allegiance: The Ontario Story"

11:45
a.m.

11. H.S.P.C.A.

Prohibition of Performing Wild Animals in Circuses

12. REFERRALS BY CITY COUNCIL

Alliance for the Preservation of English in Canada

12:00
noon

13. IN-CAMERA AGENDA

14. NEW BUSINESS

12:30
p.m.

15. ADJOURNMENT



44 Bond Street West
Suite 909
Oshawa, Ontario
L1G 6R2
(416) 434-8885/434-8475
Fax (416) 434-7381

July 10, 1990

Your Worship,

I am writing to you concerning the successful achievement of the CMM II designation by:

Tina Agnello
Clerk's Dept.

In 1982, the Ontario Municipal Management Development Board initiated a management evaluation and development program. The "stimulation of management capabilities for Ontario's local government through a system of recognition of individuals with the capacity for effective management" is the stated goal of the Institute. The OMMDB was recently renamed the Ontario Municipal Management Institute (OMMI) and the Certified Municipal Manager (CMM) designation was accorded legal status. Since its inception, over 200 municipal administrators have been awarded the CMM designation.

May I ask if you would arrange to have this award recognized at a Council meeting, or at another appropriate function. I have enclosed a brief synopsis of the Institute's structure and activities for reference.

Yours truly,

John Gartner
President

JG:fo

Enclosure



44 Bond Street West
Suite 909
Oshawa, Ontario
L1G 6R2
(416) 434-8885/434-8475
Fax (416) 434-7381

SUMMARY OF THE
ONTARIO MUNICIPAL MANAGEMENT INSTITUTE
FOR USE BY HEAD OF COUNCIL

The Ontario Municipal Management Institute is a non-profit organization established in 1979 by Ontario's municipal associations with the support of the Provincial Government and local governments across Ontario. The mandate of the Institute is to facilitate and promote management development and training for Ontario's local government managers.

A Professional Development Program was initiated by the Institute during 1982. It's objectives were:

- to provide municipal administrators with a management development plan, and
- to recognize municipal managers by awarding the Certified Municipal Manager (CMM) designation.

The Institute program recognizes FOUR levels of managerial capacity by awarding points in the areas of Employment Experience and Academic Achievement. In June of 1988, the Provincial Government, by means of Private Members Bill 27, accorded full legal status and recognition to the CMM designation.

THE CMM II DESIGNATION IS HEREBY PRESENTED TO

TINA AGNELLO

MAYOR'S OFFICE

Memorandum

MEMO TO: Mr. Keith Avery
City Clerk

DATE: August 16, 1990

FROM: Dennis A. Carson
Executive Assistant to the Mayor

RE: STAN HOLLOWELL AND ATTAINMENT OF
"CERTIFIED MUNICIPAL MANAGER" DESIGNATION

The Mayor has requested that Stan Hollowell be recognized at a future meeting of the Finance and Administration Committee for the attainment of this significant accreditation.

Will you please arrange this with the Secretary of the Committee.

DAC/gs

A handwritten signature in dark ink, appearing to be 'JTB' or similar, located to the right of the 'DAC/gs' text.

cc: Mr. John Thompson, Secretary
Finance and Administration Committee

AUG 16 1990

CITY OF HAMILTON
- RECOMMENDATION -

3.

SEP 2 - 1990

DATE: 1990 September 26

REPORT TO: Mr. J. D. Thompson, Secretary
Finance and Administration Committee

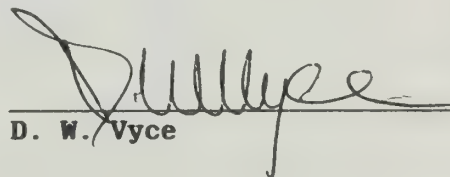
FROM: Mr. D. W. Vyce
Director of Property

SUBJECT: Sale of Part of 2300 Brampton Street to
the Regional Municipality of Hamilton-Wentworth
(80.10.151 - 4509)

RECOMMENDATION:

That an Offer to Purchase executed by Regional Officials on September 25, 1990 and scheduled for closing on or before December 17, 1990, for the purchase of part of the property at 2300 Brampton Street for the sum of \$561,225.00, required for the Freeway Project, be approved and completed.

Note: Subject parcel is composed of part of Lot 29, Concession 1, formerly in the Geographic Township of Saltfleet, now in the City of Hamilton, having a frontage along the westerly limit of Nash Road of 92.249 metres (302.65 feet), containing .69 hectare (1.70 acres), shown as Parts 9, 10 and 11 on Plan 62R-11253. The purchase price of \$561,225.00, in accordance with the attached Schedule "A", is to be credited to Account No. CH 4X501 00102 (Sale of Land - Property Purchases).


D. W. Vyce

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

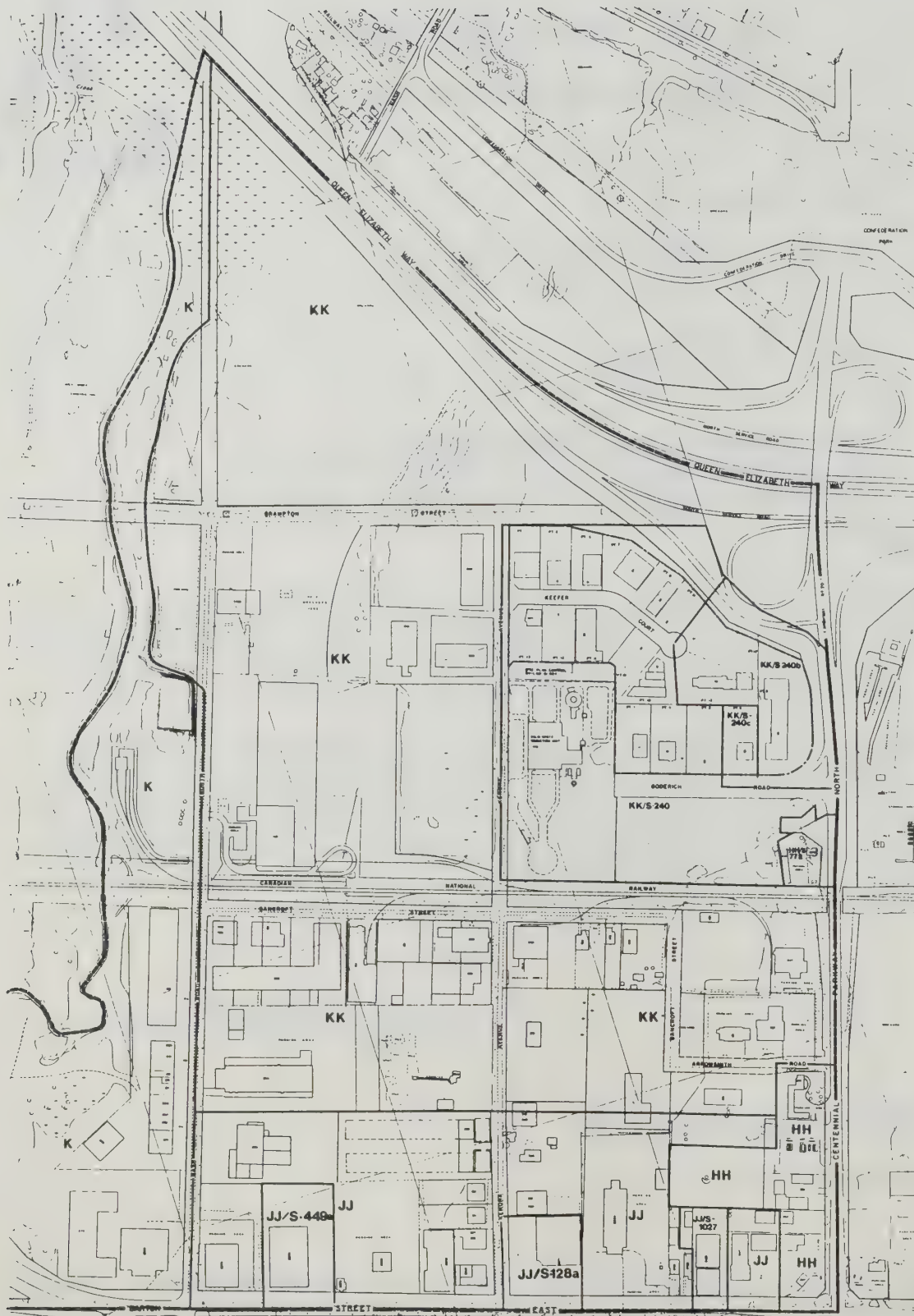
See above recommendation.

BACKGROUND:

This parcel of surplus land is being sold to be used by the Region for a land exchange with both of the abutting owners for land required from them for the Freeway Project.

Attach.

- c.c. - Mrs. P. Noé Johnson, City Solicitor
- Mr. E. C. Matthews, Treasurer
- Mr. R. Douglas, Manager of Field Surveys
- Mr. L. D. Turvey, Project Director, Freeway Project Office



<table border="1"> <tr> <td>27</td> <td>28</td> </tr> <tr> <td>108</td> <td>104</td> </tr> <tr> <td>99</td> <td>115</td> </tr> </table> <p>This is not a Legal Document For Zoning Verification Please Contact City Building Department.</p> <p>Neighbourhood Boundary Zoning Boundary</p> <p>Prepared for The City of Hamilton by the Planning and Development Department of the Regional Municipality of Hamilton-Wentworth</p>	27	28	108	104	99	115	<p>CITY OF HAMILTON</p> <p>NASHDALE</p> <p>ZONING</p> <p>0 20m 100m</p> <p>SCALE</p> <p>PLANNING DEPT NO. 8411</p> <p>JUNE 1988</p> <p>PAGE NO. 104</p>
27	28						
108	104						
99	115						

CITY OF HAMILTON

- RECOMMENDATION

SEP 27 1990

4.

DATE: 1990 September 27

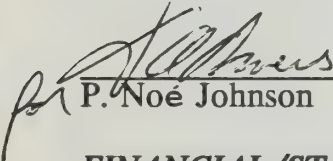
REPORT TO: Mr. J. D. Thompson, Secretary
Finance and Administration Committee

FROM: Ms. P. Noé Johnson
City Solicitor

SUBJECT: SMOKE ALARMS AND EMERGENCY LIGHTING BY-LAW
(40-113.2)

RECOMMENDATION:

That the City Solicitor be authorized to apply for special legislation to implement the attached draft By-law requiring apartment buildings to install emergency lighting and smoke alarms.


P. Noé Johnson

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

At the regular meeting of the Finance and Administration Committee on July 26, 1990, the Committee requested that a by-law be drafted to provide for the following:

1. That all apartment buildings above 3 storeys require a smoke alarm in the hallways;
2. That each individual unit be required to have smoke detectors as well as emergency lighting, taking into consideration the needs of the hearing impaired;
3. That emergency lighting be required for all apartment buildings higher than 3 storeys.

The Committee is aware that application for Provincial Legislation is required.

JURISDICTION:

Smoke Alarms

Currently, By-law No. 86-253 requires smoke alarms for one and two-family dwellings only. The Building Code also requires a fire alarm in buildings having sleeping accommodation for 10 or more people.

The proposed regulations pursuant to the Fire Marshals Act, contain sections 9.5 and 9.6 which have not been enacted, but which would require residential occupancies to have smoke alarms and emergency lighting in hallways.

The Municipal Act, Section 210, contains sections on fire fighting, but none are relevant to this question. There is the general power under Section 104 to make by-laws for health and safety of the inhabitants in matters not specifically referred to in the Municipal Act.

ENFORCEMENT:

Attached to this Report is the draft By-law which has been discussed with the Fire Department. Section 3 of the By-law requires owners of apartment buildings over three storeys to install smoke detectors in every apartment, and Section 7 requires the owner to install emergency lighting in the apartment hallways.

The Fire Department reports that none of the smoke alarms on the market have been approved for use by the hearing impaired. Some alarms do contain an optional strobe light. Section 8 would require the owner to supply a smoke alarm with the lighting option when requested by a hearing impaired person.

As discussed in the Law Department's Information Report of August 15, 1990, Section 18 of the Fire Marshals Act states that the Fire Marshals Act supersedes all municipal by-laws respecting Fire Safety Standards for buildings and other structures. The City would have to apply for special legislation to implement the draft By-law, as the draft By-law deals with fire safety standards.

Alternatively, the City could send a resolution to the Provincial Government, requesting that the draft Fire Code Sections 9.5 and 9.6 be enacted. If these Fire Code Sections were enacted, the Fire Department could then use the enforcement powers of the Fire Code to achieve City Council's objectives of protecting the public through the installation of smoke detectors and emergency lighting in apartment buildings. In the interim, the Fire Department can continue to make orders which exceed the current Fire Code specifications, under the authority of Stewart v. The City of Mississauga.

We do not recommend that your Committee and City Council pass the draft By-law at this time, as the City does not currently have the jurisdiction to pass such a By-law. Moreover, the Special Legislation Committee at Queen's Park may amend the draft By-law when it is discussed by that Committee. If passed now, it would be necessary to amend the By-law in accordance with the special legislation.

c.c. Mr. G. Baker, Chief, Hamilton Fire Department
Attention: Mr. K. Kiernan, Chief Fire Prevention Officer

The Corporation of the City of Hamilton

BY-LAW NO. 90-

To Require:

THE INSTALLATION OF SMOKE ALARMS AND EMERGENCY LIGHTING

WHEREAS Section 210 of the Municipal Act, R.S.O. 1980, Chapter 302 provides that the City of Hamilton is authorized to pass by-laws,

24. For providing...fire protection services...
37. For requiring buildings...to be put in a safe condition to guard against fire or other dangerous risk or accident.
39. For authorizing appointed officers to enter at all reasonable times upon any property in order to ascertain whether the provisions of the by-law are obeyed, and to enforce or carry into effect the by-law.
42. For making such other regulations for preventing fires and the spread of fires as the council considers necessary;

AND WHEREAS Section 104 of the Municipal Act, empowers the Council to pass such by-laws and make such regulations for the health, safety, morality and welfare of the inhabitants of the municipality in matters not specifically provided for by the Municipal Act as may be deemed expedient and not contrary to law;

AND WHEREAS The City of Hamilton Act 19 , which authorizes the Council of The Corporation of the City of Hamilton to enact by-laws to require owners of buildings containing residential occupancies to install smoke alarms and emergency lighting received Royal Assent on the day of 19.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

Definitions 1. In this by-law,

- (a) "basement" means any storey below the first storey measured from the top of each floor to the top of the floor next below;
- (b) "City" means The Corporation of the City of Hamilton;
- (c) "dwelling unit" means a room or suite of rooms operated as a housekeeping unit that is used or intended to be used as a domicile by one or more persons and that contains at least one or more of the following facilities: cooking, eating, living, sleeping or sanitary facilities;
- (d) "Fire Chief" means the Chief of the Fire Department of the City;
- (e) "Fire Prevention Inspector" means a member of the Fire Prevention Division of the Fire Department of the City and includes the Fire Chief and any other member of the Fire Department designated by the Fire Chief;

- (f) "occupant" means any person, firm or corporation who is jointly responsible with the owner in respect of the property under consideration over which the occupant has control;
- (g) "owner" includes any person, firm or corporation for the time being managing or receiving rent for the land or premises in connection with which the word is used, whether on his own account or as an agent, trustee or representative, or any other person who would so receive the rent if such land were leased including an owner, occupier, or any person to whom rent is payable;
- (h) "residential occupancy" means the occupancy or use of a building or part thereof by persons for whom sleeping accommodation is provided but who are not harboured or detained to receive medical care or treatment or are not involuntarily detained, but does not include second level lodging houses as defined by City of Hamilton By-law No. 80-259;
- (i) "smoke alarm" means a battery or electrically powered combined smoke detection device and audible alarm device that,
 - i) is designed to sound an alarm upon detection of products of combustion; and
 - ii) is equipped with an indicator which provides a readily visible or audible indication that the device is in operating condition; and
 - iii) has been approved by the Underwriters' Laboratories of Canada and, where electrically powered, also by the Canadian Standards Association;
- (j) "storey" means that portion of a building that is situated between the floor and the ceiling above it.

Application 2. The provisions of this by-law do not apply to matters governed by provincial legislation, including the Ontario Building Code Act, the Fire Marshals Act, the Hotel Fire Safety Act, all amendments thereto and regulations thereunder and the provisions of this by-law are to be construed accordingly.

Installation of Smoke Alarms 3. Every owner of a building containing a residential occupancy shall install or cause to be installed one smoke alarm for each storey of the dwelling unit, including the basement, in all dwelling units in accordance with Sections 5 and 6.

Maintenance of Smoke Alarms 4. Every occupant of a dwelling unit shall maintain the smoke alarm in operating condition at all times during occupancy in accordance with the manufacturer's instructions.

Installation of Smoke Alarms 5. Every smoke alarm shall be installed on or near the ceiling in accordance with the manufacturer's instructions and shall be located,

- (a) between each sleeping area and the remainder of the dwelling unit; or

- (b) in the hallway, where a sleeping area is served by a hallway belonging to the dwelling unit; or
- (c) in the path of exit travel on any storey not containing a sleeping area; or
- (d) in the sleeping area.

Electrically Powered Smoke Alarms 6.(1) Every installed electrically powered smoke alarm shall be equipped with visual indication that it is in operating condition.

Ibid. (2) No installed electrically powered smoke alarm shall have a switch between the smoke alarm and the power distribution panel.

Ibid. (3) Every installed electrically powered smoke alarm shall be permanently mounted on a standard outlet box on the ceiling or on the walls between six inches and twelve inches below the ceiling, in accordance with Section 5.

7. Every owner of a building over three storeys in height containing dwelling units, shall install smoke alarms in the hallway of every storey of the building, in accordance with the manufacturer's distance spacing specifications.

8. Every owner shall supply a smoke alarm which emits a strobe light as well as an audible signal, when activated, for any hearing impaired occupant, who requests such a smoke alarm from the owner.

Emergency 9.(1) Every owner of a building over three (3) stories in height, containing dwelling units, shall install an emergency lighting system in the building's exit stairways and corridors.

(2) The emergency lighting system shall:

- (a) provide illumination for at least two hours, and
- (b) be supplied by a source of energy which is separate from the primary electrical supply for the building, and
- (c) be designed to automatically commence when power to the building is interrupted, and
- (d) provide illumination at an average level of at least 10 lux at floor level or 1 watt/m of floor space.

Inspection 10. Every Fire Prevention Officer may, upon the complaint of a person interested, inspect all dwelling units, and for such purpose may at all reasonable hours enter into and upon the building or premises containing the dwelling units for the purpose of examination and ascertaining whether provisions of this by-law have been obeyed and to enforce or carry into effect the by-law.

11. (1) Where a Fire Prevention Inspector ascertains that an owner has not complied with Section 3, Section 5, Section 6, Section 7, or Section 8, the Fire Prevention Inspector may serve a notice personally or by registered mail upon the owner at the owner's last known address, requiring the owner to comply, and where service is by registered mail, the service shall be deemed to have been made on the fifth day after the date of mailing.
- Ibid. (2) Where a Fire Prevention Inspector ascertains that an occupant has not complied with Section 4, the Fire Prevention Inspector may serve a notice to comply in writing, personally or by registered mail upon the occupant, requiring the occupant to comply.
- Content of Notice 12. The notice to comply shall contain the following information:
1. Name and address of person upon whom notice is served.
 2. Address of premises.
 3. Reasonable particulars of the requirements of this by-law respecting which there is non-compliance and the provisions of this by-law relating thereto.
 4. A requirement that the person served shall remedy the non-compliance forthwith.
- Penalty 13. (1) Every person who fails to remedy the non-compliance set out in the notice to comply on or before the specified date is guilty of an offence and liable to a fine of not more than \$1,000.00.
- (2) Where a corporation is convicted of an offence under section 11(1), the maximum penalty that may be imposed upon the corporation is \$10,000 and not as provided therein.
- Commencement 14. This by-law comes into force and effect on the day of 1990.
- Short Title 15. The short title of this by-law is "The Smoke Alarm By-law"
16. By-law No. 86-253 is hereby repealed in its entirety on the date this by-law comes into force.

PASSED this day of A.D. 1990.

City Clerk

Mayor

SCHEDULE "A"

- NOTE:
- (1) Manufacturer's instructions necessary to describe the maintenance, care and testing required for smoke alarms to ensure continuing satisfactory performance, should be maintained in a location where they will be readily available to the occupants for reference.
 - (2) The following are guidelines in the use and testing of smoke alarms:
 - a) Vacuum dust from the smoke alarm at least every six months.
 - b) On battery powered units check to see if the battery is in place, connected and not corroded. Replace batteries with the type recommended by the smoke alarm manufacturer. (A warning sound should indicate low battery condition).
 - c) Test each smoke alarm monthly by introducing smoke into the unit, from burning incense or a smouldering piece of string.
 - d) A test button on the unit makes provision for testing the electrical circuit, and when depressed should cause the audible alarm to sound.

CITY OF HAMILTON
- RECOMMENDATION -

5a.

SEP 26 1990

DATE: 1990 September 26

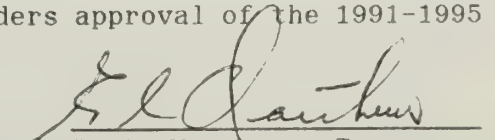
REPORT TO: Mr. J. D. Thompson, Secretary
Finance and Administration Committee

FROM: Mr. E. C. Matthews
Treasurer

SUBJECT: 1991-1995 CAPITAL BUDGET TIMETABLE

RECOMMENDATION:

- (1) That the timetable for preparation and review of the 1991-1995 Capital Budget be as follows:
 - (a) Notify departments/boards to prepare their Capital Budget material (this was done by September 26, 1990).
 - (b) October 22, 1990 - deadline for returning copies of "Individual Capital Budget Submission" forms to Treasury in order to prepare preliminary Capital Budget.
 - (c) Month of October/November departments/boards arrange to have proposed Capital Projects approved by Standing Committees for forwarding to Finance and Administration Committee for consideration to include in Capital Budget.
 - (d) November and December, 1990 - Treasury monitors and assembles preliminary Capital Budget, prepares financial impacts, etc.
 - (e) December 12 to 14, 1990 - Capital Budget Staff Sub-Committee and Management Team review individual Capital Projects with departments/boards at special meetings.
 - (f) January 16 to 18 and if necessary January 24, 1991 - Finance and Administration Committee reviews and recommends 1991-1995 Capital Budget to City Council.
 - (g) February 12, 1991 - City Council considers approval of the 1991-1995 Capital Budget.


E. C. Matthews, Treasurer

Mr. J. D. Thompson, Secretary
Finance and Administration Committee
1990 September 26 - Page 2

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The information to prepare the Capital Budget was sent to departments/boards on September 26, 1990, with a deadline of October 22 to return the completed documentation to Treasury for preparation of the preliminary budget. The departments/boards were asked to have their projects approved by Standing Committees in October and November.

I am proposing Wednesday, January 16 to 18, 1991 and if necessary January 24 be set aside by Finance and Administration Committee to review with department heads and managers of local boards and make final recommendation to City Council. If this schedule is met, it may be possible to have the Capital Budget approved at the February 12, 1991, Council meeting.

Copies of the forms to be completed for each project by the respective departments are attached. In keeping with an attempt to provide a longer-term perspective, a separate form covering projects over the 5 year term from 1996-2000 is also included.

Att's.

c.c. Mr. Lou Sage, Chief Administrative Officer
All Department Heads and Managers of Local Boards
All Secretaries of the Standing Committees
Members of Capital Budget Staff Sub-Committee

City of Hamilton
Treasury

1991-1995 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: _____
2. (a) PROJECT NUMBER: _____
(b) PROJECT NAME: _____
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:

4. (a) PROJECT STARTING DATE (MONTH-YEAR): _____
(b) PROJECT FINISHING DATE (MONTH-YEAR): _____
(c) YEAR ONTARIO MUNICIPAL BOARD APPROVAL REQUIRED: _____
5. (a) GROSS COST OF PROJECT
IN YEAR-OF-START DOLLARS: \$ _____
(b) LESS SUBSIDIES AND OTHER RECEIPTS: \$ _____
(c) NET CITY'S COST: \$ _____
- NO. OF PERSON
YEARS CREATED
6. (a) YEAR OF EXPENDITURE - 1991 \$ _____
- 1992 \$ _____
- 1993 \$ _____
- 1994 \$ _____
- 1995 \$ _____
- 1996 & after \$ _____
- (b) TOTAL NUMBER OF PERSON YEARS CREATED: _____
7. ADDITIONAL JOBS TO BE CREATED BY THE PROJECT: _____
8. ADDITIONAL ANNUAL OPERATING COST: \$ _____
9. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:

10. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?
NO ☐ YES ☐ - AT CITY'S COST OF \$ _____
- SCHEDULED TO START IN THE YEAR _____

Signature of Department Head/Local
Board Manager
(for Standing Committee)

Signature of C.A.O.
(for Finance & Administration
Committee)

Date

Date

1. DEPARTMENT/LOCAL BOARD: _____
2. (a) PROJECT NUMBER: _____
(b) PROJECT NAME: _____
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.: _____

5. (a) GROSS COST OF PROJECT
IN YEAR-OF-START DOLLARS: \$ _____
- (b) LESS SUBSIDIES AND OTHER RECEIPTS: \$ _____
- (c) NET CITY'S COST: \$ _____

6. (a) YEAR OF EXPENDITURE - 1996 \$ _____

- 1997 \$ _____

- 1998 \$ _____

- 1999 \$ _____

- 2000 \$ _____

- 2001 & AFTER \$ _____

(b) TOTAL NUMBER OF PERSON YEARS CREATED:

7. ADDITIONAL JOBS TO BE CREATED BY THE PROJECT: _____
8. ADDITIONAL ANNUAL OPERATING COST: \$ _____
9. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT: _____

Signature of C.A.O.
(for Finance & Administration
Committee)

Date _____

CITY OF HAMILTON
- RECOMMENDATION -

5b.

DATE: 1990 September 28

REPORT TO: Mr. J. D. Thompson, Secretary
Finance and Administration Committee

FROM: Mr. E. C. Matthews
Treasurer

SUBJECT: 1991 CURRENT BUDGET TIMETABLE AND APPROVAL PROCESS

RECOMMENDATION:

- a) That the timetable for preparation and review of the 1991 Current Budget Estimates be as follows:
- (i) Budget call letter along with supporting budget material and forms to be issued to all Departments and Local Boards by October 12, 1990;
 - (ii) November 6, 1990 (12:00 Noon) - Special meeting of Finance and Administration Committee receives overview and clarification of process of the 1991 Current Budget with an invitation to all City Council members (lunch to be provided);
 - (iii) Deadline for completed budget submissions to be returned to Treasury November 16, 1990;
 - (iv) November 19 to December 31, 1990 - Treasury monitors, processes and assembles the budgets to ensure compliance of submissions with guidelines; budgets to be reviewed with Department Heads and Managers of Local Boards; Treasury prepares the budgets for review by the Standing Committees;
 - (v) January 2 to January 18, 1991 - Current Budget Management Team Sub-Committee to review status of 1991 Current Budget, review and rank all service/program packages and prepare appropriate recommendations for the Finance and Administration Committee overview on January 24, 1991;
 - (vi) January 24, 1991 - Finance and Administration Committee receives update on Current Budget status and includes an information session on the Current Budget with an invitation to all City Council members to attend;
 - (vii) February 18 to February 22, 1991 - Standing Committees review and approve their respective budgets which should include acceptance/rejection of any service/program packages. This procedure to take place during regularly scheduled meetings in addition to the regular agenda material and at special meetings called specifically for budgets within this time frame;

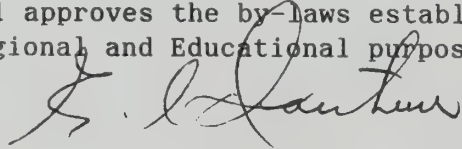
1990 September 28

Mr. J. D. Thompson, Secretary
Finance and Administration Committee - Page 2

RECOMMENDATION: - continued

- (viii) February 28, 1991 - Special Council meeting to rank Committee accepted service/program packages and to determine funding level if necessary;
- (ix) March 21, 1991 - Finance and Administration Committee reviews and approves the final estimates and forwards a recommendation concerning the 1991 City mill rates to City Council;
- (x) March 26, 1991 - City Council approves the 1991 revenues and expenditures based on a calculated mill rate for City services only;
- (xi) April 30, 1991 - City Council approves the by-laws establishing the 1991 mill rates for City, Regional and Educational purposes.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:



N/A

BACKGROUND:

This Current Budget timetable reflects a similar time frame that was experienced in approving the 1990 Current Budget. In addition, the timetable recognizes the time of the approval of the completed 1991-1995 Capital Budget timetable, which is proposed to be completed in February.

Recognizing the holiday season and possible vacation time being taken by staff and elected officials in December, the Standing Committee budget reviews will start in February. This will allow time to update the Finance and Administration Committee on the status of the Current Budget. All of City Council should be invited to this Current Budget information session on January 24, 1991.

Consistent with prior years, the Capital Budget is expected to be finalized prior to the approval of the Current Budget. This will facilitate implementing any possible effects that may occur from the approval of capital projects on the Current Budget.

c.c. Members of City Council

Mr. Lou Sage, Chief Administrative Officer
All Department Heads and Managers of Local Boards
All Secretaries of Standing Committees

FOR ACTION

5c.

REPORT TO: Mr. J. D. Thompson
Secretary, Finance and
Administration Committee

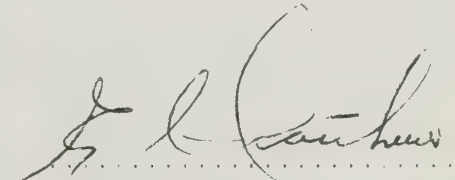
FROM: Mr. E. C. Matthews
Treasurer

DATE: 1990 September 24
COMM FILE:
DEPT FILE: 10ST-TX20

SUBJECT: WRITE-OFF OF OUTSTANDING BUSINESS TAXES

RECOMMENDATION:

That outstanding business taxes in the amount of \$108,916.50 be written-off in accordance with Section 495 of the Municipal Act, R.S.O., 1980, and charged to Account CH15401-00001, Tax Write-Offs.


Treasurer

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

See above recommendation

BACKGROUND:

Attached is a schedule outlining business tax accounts which are, in my opinion, uncollectible.

This schedule is summarized as follows:

.....2

City of Hamilton
Treasury

<u>Schedule of Business Taxes</u>		<u>Amount Recommended to be Written-off</u>
Category A - Accounts improperly assessed or out of business where deadline for appeal has expired.	\$ 6,562.36	
Category B - Accounts assigned to the Collection Agency.	82,731.15	
Category C - Advised by Trustee - Bankruptcy/ In Receivership no funds available for distribution.	<u>19,622.99</u>	<u> </u>
TOTAL BUSINESS TAXES		\$108,916.50 =====

1990 September 24

TAB/ce

City of Hamilton
Treasury

CATEGORY "A" - ACCOUNTS IMPROPERLY ASSESSED
OR OUT OF BUSINESS WHERE
DEADLINE FOR APPEAL HAS EXPIRED

SCHEDULE B - OUTSTANDING BUSINESS TAX ACCOUNTS RECOMMENDED FOR WRITE-OFF IN 1990

Item Number (1)	Business Serial Number (2)	Name and Business Address (3)	Prior Years Penalty & Interest (4)	Prior Years Arrears (5)	Current Years Penalty & Interest (6)	Current Years Arrears (7)	Taxes Outstanding (8)	Remarks (9)
27	02 01310 6450 0040 881 2	Larrett, Robert E. Larrett Stationery and Office Equipment 153 Main St. West	105.28	300.99	.00	.00	406.27	Appeal processed for 1987 rather than 1988 in error.
31	02 01420 0580 0010 872 3 07	Lisandra Management 5 Young Street	563.38	1,325.60	.00	.00	1,888.98	Incorrect billing; no appeal.
31	02 01440 0010 1890 872 3 07	Lisandra Management 5 Young Street	783.70	1,844.31	.00	.00	2,628.01	Incorrect billing; no appeal.
39	02 01520 0010 0456 891 2 17	Burman, Geoff Geoff Burman & Assoc. 105 Main St. E., Ste. 511	61.23	376.71	.00	.00	437.94	Assessed incorrectly, confirmed by building management.
68	03 02375 0880 0180 881 2	Chang, Sang Yeung 588 Barton St. East	105.28	301.14	.00	.00	406.42	Hydro Confirmed account closed Dec. 31/87.

City of Hamilton
Treasury

CATEGORY "A" - ACCOUNTS IMPROPERLY ASSESSED
OR OUT OF BUSINESS WHERE
DEADLINE FOR APPEAL HAS EXPIRED

SCHEDULE B - OUTSTANDING BUSINESS TAX ACCOUNTS RECOMMENDED FOR WRITE-OFF IN 1990

Item Number (1)	Business Serial Number (2)	Name and Business Address (3)	Prior Years Penalty & Interest (4)	Prior Years Arrears (5)	Current Years Penalty & Interest (6)	Current Years Arrears (7)	Taxes Outstanding (8)	Remarks (9)
69	03 02635 0700 0180 881 2	Attwood, Sheila Monty, Patsy Special Effects Hair 1008 King St. East	3.42	90.86	.00	.00	94.28	Bell Confirmed account closed Sept. 22/87.
69	03 02635 0700 0180 881 3	Attwood, Sheila Monty, Patsy Special Effects Hair 1008 King St. East	25.08	.00	.00	.00	25.08	Bell Confirmed account closed Sept. 22/87.
77	04 02860 1180 0020 881 3 17	Hayward, Edwin Ed's TV 1058 Barton St. East	226.35	449.03	.00	.00	675.38	Hydro Confirmed no account in this name.
TOTAL CATEGORY "A"			1,873.22	4,688.64	.00	.00	6,562.36	
			=====	=====	=====	=====	=====	

City of Hamilton
Treasury

CATEGORY "B" - ACCOUNTS ASSIGNED TO
COLLECTION AGENCY

SCHEDULE B - OUTSTANDING BUSINESS TAX ACCOUNTS RECOMMENDED FOR WRITE-OFF IN 1990

Item Number (1)	Business Serial Number (2)	Name and Business Address (3)	Prior Years Penalty & Interest (4)	Prior Years Arrears (5)	Current Years Penalty & Interest (6)	Current Years Arrears (7)	Taxes Outstanding (8)	Remarks (9)
1	01 00130 0430 0170 891 2 01	Olechno, Roman Steel City Video 1685 Main St. West	374.22	1,108.83	.00	.00	1,483.05	Corporation Out of Business - No Assets
1	01 00130 0430 0171 891 2 01	Olechno, Roman Steel City Video 1685 Main St. West	42.39	125.27	.00	.00	167.66	Corporation Out of Business - No Assets
1	01 00130 0450 0171 891 2 01	Olechno, Roman Steel City Video 1685 Main St. West	28.62	84.64	.00	.00	113.26	Corporation Out of Business - No Assets
2	01 00130 0430 0180 881 2 17	Premji, Saurudin Premji, Nurjehan Silver Variety Store 1685 Main St. West	24.25	77.63	.00	.00	101.88	Out of Business - Unable to locate owner
2	01 00130 0430 0181 881 2 17	Premji, Saurudin Premji, Nurjehan Silver Variety Store 1685 Main St. West	2.75	8.80	.00	.00	11.55	Out of Business - Unable to locate owner

City of Hamilton
Treasury

CATEGORY "B" - ACCOUNTS ASSIGNED TO
COLLECTION AGENCY

SCHEDULE B - OUTSTANDING BUSINESS TAX ACCOUNTS RECOMMENDED FOR WRITE-OFF IN 1990

Item Number (1)	Business Serial Number (2)	Name and Business Address (3)	Prior Years Penalty & Interest (4)	Prior Years Arrears (5)	Current Years Penalty & Interest (6)	Current Years Arrears (7)	Taxes Outstanding (8)	Remarks (9)
3	01 00210 7980 0040 891 1 17	456965 Ontario Ltd. Royal Place Restaurant 100 King St. West	243.54	1,613.10	.00	.00	1,856.64	Corporation Out of Business - No Assets
3	01 00210 7980 0040 891 2	456965 Ontario Ltd. Royal Place Restaurant 100 King St. West	822.49	2,237.21	.00	.00	3,059.70	Corporation Out of Business - No Assets
5	01 00450 6700 0060 891 1 17	Hemberger, Robert Carl John Doe's West 106 Centennial Pkwy. N.	130.76	2,615.00	.00	.00	2,745.76	Corporation Out of Business - No Assets
5	01 00450 6700 0060 891 2 07	Hemberger, Robert Carl John Doe's West 106 Centennial Pkwy. N.	102.52	745.47	.00	.00	847.99	Corporation Out of Business - No Assets
5	01 00450 6700 0070 891 1 17	Hemberger, Robert Carl John Doe's West 106 Centennial Pkwy. N.	16.28	325.47	.00	.00	341.75	Corporation Out of Business - No Assets

City of Hamilton
Treasury

CATEGORY "B" - ACCOUNTS ASSIGNED TO
COLLECTION AGENCY

SCHEDULE B - OUTSTANDING BUSINESS TAX ACCOUNTS RECOMMENDED FOR WRITE-OFF IN 1990

<u>Item Number</u> (1)	<u>Business Serial Number</u> (2)	<u>Name and Business Address</u> (3)	<u>Prior Years Penalty & Interest</u> (4)	<u>Prior Years Arrears</u> (5)	<u>Current Years Penalty & Interest</u> (6)	<u>Current Years Arrears</u> (7)	<u>Taxes Outstanding</u> (8)	<u>Remarks</u> (9)
5	01 00450 6700 0070 891 2 07	Hemberger, Robert Carl John Doe's Place 1309 Main St. West	45.08	156.76	.00	.00	201.84	Corporation Out of Business - No Assets
6	01 00550 1690 0026 881 2 17	Bideinul, Norm Laundromat 1059 King St. West	7.98	33.53	.00	.00	41.51	Disputed Claim - Too Small for Litigation
7	01 00550 2410 0060 881 2 17	Denedin Textiles Inc. 2143 Constance Dr. Oakville, Ontario	10.07	42.46	.00	.00	52.53	Corporation Out of Business - No Assets
8	01 00550 2830 0020 871 3 17	Innovation Travel Inc. 777 King St. West	48.44	138.51	.00	.00	186.95	Corporation Out of Business - No Assets
9	01 00550 3800 0020 892 1 17	Ruth, David L. Ruth's House of Attire 992 King St. West	17.16	114.25	.00	.00	131.41	Out of Business - Unable to locate owner

City of Hamilton
Treasury

CATEGORY "B" - ACCOUNTS ASSIGNED TO
COLLECTION AGENCY

SCHEDULE B - OUTSTANDING BUSINESS TAX ACCOUNTS RECOMMENDED FOR WRITE-OFF IN 1990

<u>Item Number</u> (1)	<u>Business Serial Number</u> (2)	<u>Name and Business Address</u> (3)	<u>Prior Years Penalty & Interest</u> (4)	<u>Prior Years Arrears</u> (5)	<u>Current Years Penalty & Interest</u> (6)	<u>Current Years Arrears</u> (7)	<u>Taxes Outstanding</u> (8)	<u>Remarks</u> (9)
10	01 00550 4220 0020 891 1 17	Munchies Foodcorp Grandma Lee's Box 1001 Oakville, Ontario	33.77	245.39	.00	.00	279.16	Corporation Out of Business - No Assets
11	01 00550 4220 0060 881 3 17	684646 Ontario Ltd. c/o 2065 Dundas St. E. Suite 107 Mississauga, Ontario	169.88	438.59	.00	.00	608.47	Corporation Out of Business - No Assets
12	01 00550 4250 0040 881 2 17	C & P Meat Mart Inc. 1060 King St. West	3.15	12.06	.00	.00	15.21	Corporation Out of Business - No Assets
13	01 00560 0300 0021 891 2 01	Gunton, Shelley Gunton, Robert R & S Auto Stores 807 Main St. West	14.28	81.72	.00	.00	96.00	Out of Business - Unable to locate owner

City of Hamilton
Treasury

CATEGORY "B" - ACCOUNTS ASSIGNED TO
COLLECTION AGENCY

SCHEDULE B - OUTSTANDING BUSINESS TAX ACCOUNTS RECOMMENDED FOR WRITE-OFF IN 1990

Item Number (1)	Business Serial Number (2)	Name and Business Address (3)	Prior Years Penalty & Interest (4)	Prior Years Arrears (5)	Current Years Penalty & Interest (6)	Current Years Arrears (7)	Taxes Outstanding (8)	Remarks (9)
14	01 00610 0460 0140 891 1 17	Molson Travel Centres 786 King St. West	8.01	71.02	.00	.00	79.03	Corporation Out of Business - No Assets
15	01 00915 2560 0130 891 1 17	603510 Ontario Inc. T/A Tilts Video 318 Dundurn St. South	37.84	275.10	.00	.00	312.94	Corporation Out of Business - No Assets
16	01 00955 0490 0040 891 2 01	737144 Ontario Ltd. T/A Holmes Fine Foods 180 Locke St. South	99.84	296.49	.00	.00	396.33	Corporation Out of Business - No Assets
17	01 00955 1020 1040 881 2 17	Smith, Rena T/A Electrolisis by Rena 237 Locke St. S., Rm. 203	14.34	59.84	.00	.00	74.18	Out of Business - Unable to locate owner
19	01 01060 2900 0100 881 2 17	603104 Inc. The Cavern 430 York Blvd.	200.24	1,051.02	.00	.00	1,251.26	Corporation Out of Business - No Assets

City of Hamilton
Treasury

CATEGORY "B" - ACCOUNTS ASSIGNED TO
COLLECTION AGENCY

SCHEDULE B - OUTSTANDING BUSINESS TAX ACCOUNTS RECOMMENDED FOR WRITE-OFF IN 1990

Item Number (1)	Business Serial Number (2)	Name and Business Address (3)	Prior Years Penalty & Interest (4)	Prior Years Arrears (5)	Current Years Penalty & Interest (6)	Current Years Arrears (7)	Taxes Outstanding (8)	Remarks (9)
20	02 01220 0010 0150 901 1	708139 Ontario Limited The Edge 2 King St. West	105.76	940.36	.00	.00	1,046.12	Corporation Out of Business - No Assets
21	02 01220 0010 2140 881 2 06	First Brant Holdings P. O. Box 115, Stn. A	11.34	43.42	.00	.00	54.76	Corporation Out of Business - No Assets
22	02 01220 0050 0510 891 1 17	746076 Ontario Ltd. The Steak Shop 200 Evans Ave., U.11	28.36	567.11	.00	.00	595.47	Corporation Out of Business - No Assets
22	02 01220 0050 0510 891 2 01	746076 Ontario Ltd. The Steak Shop 200 Evans Ave., U.11	278.10	823.77	.00	.00	1,101.87	Corporation Out of Business - No Assets

City of Hamilton
Treasury

CATEGORY "B" - ACCOUNTS ASSIGNED TO
COLLECTION AGENCY

SCHEDULE B - OUTSTANDING BUSINESS TAX ACCOUNTS RECOMMENDED FOR WRITE-OFF IN 1990

<u>Item Number</u> (1)	<u>Business Serial Number</u> (2)	<u>Name and Business Address</u> (3)	<u>Prior Years Penalty & Interest</u> (4)	<u>Prior Years Arrears</u> (5)	<u>Current Years Penalty & Interest</u> (6)	<u>Current Years Arrears</u> (7)	<u>Taxes Outstanding</u> (8)	<u>Remarks</u> (9)
23	02 01220 1000 0390 881 2 17	730326 Ontario Ltd. Brimken 596 Gordon Baker Rd. Willowdale, Ontario	168.42	962.55	.00	.00	1,130.97	Corporation Out of Business - No Assets
24	02 01220 1000 0435 891 1 11	Arden Holdings Inc. 1505 Rue Legendre Quest Montreal, Quebec	.64	13.05	.00	.00	13.69	Corporation Out of Business - No Assets
25	02 01225 1180 0020 881 2 17	Templeton, Christine Wrappers 135 King St. East	17.50	55.91	.00	.00	73.41	Corporation Out of Business - No Assets
25	02 01225 1180 0020 881 3	Templeton, Christine Wrappers 135 King St. East	1.90	4.27	.00	.00	6.17	Corporation Out of Business - No Assets

City of Hamilton
Treasury

CATEGORY "B" - ACCOUNTS ASSIGNED TO
COLLECTION AGENCY

SCHEDULE B - OUTSTANDING BUSINESS TAX ACCOUNTS RECOMMENDED FOR WRITE-OFF IN 1990

Item Number (1)	Business Serial Number (2)	Name and Business Address (3)	Prior Years Penalty & Interest (4)	Prior Years Arrears (5)	Current Years Penalty & Interest (6)	Current Years Arrears (7)	Taxes Outstanding (8)	Remarks (9)
25	02 01525 1300 0060 891 1 17	Templeton, Christine Wrappers 135 King St. East	85.14	619.43	.00	.00	704.57	Corporation Out of Business - No Assets
26	02 01240 0100 0450 891 1 17	Hamilton Telex and Secretarial Ltd. 32 James St. S., Rm. 321	3.20	25.79	.00	.00	28.99	Corporation Out of Business - No Assets
28	02 01390 5940 0030 881 2 17	Exclusive Women's Wear Dawn Elizabeth 146 James St. S.	11.90	68.27	.00	.00	80.17	Corporation Out of Business - No Assets
29	02 01390 5940 0030 881 2	Mark, Howard P. 252 James St. S., S.101	15.20	54.15	.00	.00	79.35	Too Small for Litigation
30	02 01420 0220 0010 881 2 17	429955 Ontario Ltd. Pipps Supper Club 10 Young Street	1,236.53	3,363.73	.00	.00	4,600.26	Corporation Out of Business - No Assets

City of Hamilton
Treasury

CATEGORY "B" - ACCOUNTS ASSIGNED TO
COLLECTION AGENCY

SCHEDULE B - OUTSTANDING BUSINESS TAX ACCOUNTS RECOMMENDED FOR WRITE-OFF IN 1990

<u>Item Number</u> (1)	<u>Business Serial Number</u> (2)	<u>Name and Business Address</u> (3)	<u>Prior Years Penalty & Interest</u> (4)	<u>Prior Years Arrears</u> (5)	<u>Current Years Penalty & Interest</u> (6)	<u>Current Years Arrears</u> (7)	<u>Taxes Outstanding</u> (8)	<u>Remarks</u> (9)
32	02 01430 0550 0040 891 1	721464 Ontario Ltd. 225 John St. South	339.35	1,561.28	.00	.00	1,900.63	Corporation Out of Business - No Assets
32	02 01430 0550 0040 891 2 04	721464 Ontario Ltd. 225 John St. South	311.42	1,083.16	.00	.00	1,394.58	Corporation Out of Business - No Assets
32	02 01430 0550 0041 891 1	721464 Ontario Ltd. 225 John St. South	224.95	1,035.14	.00	.00	1,260.09	Corporation Out of Business - No Assets
32	02 01430 0500 0041 891 2 04	721464 Ontario Ltd. 225 John St. South	206.54	718.14	.00	.00	924.68	Corporation Out of Business - No Assets
34	02 01440 0160 0100 881 2 17	Bergamo, Gary & Lida Remilli, Danny T/A Dugout 1679 Main St. East	11.25	36.28	.00	.00	47.53	Too Small for Litigation
34	02 01440 0160 0100 881 3 01	Bergamo, Gary & Lida Remilli, Danny T/A Dugout 1679 Main St. East	.70	1.48	.00	.00	2.18	Too Small for Litigation

City of Hamilton
Treasury

CATEGORY "B" - ACCOUNTS ASSIGNED TO
COLLECTION AGENCY

SCHEDULE B - OUTSTANDING BUSINESS TAX ACCOUNTS RECOMMENDED FOR WRITE-OFF IN 1990

Item Number (1)	Business Serial Number (2)	Name and Business Address (3)	Prior Years Penalty & Interest (4)	Prior Years Arrears (5)	Current Years Penalty & Interest (6)	Current Years Arrears (7)	Taxes Outstanding (8)	Remarks (9)
35	02 01510 0220 0055 881 2	Keith, Michael Ontario Paralegal 149 Main St. East, 102	32.36	88.01	.00	.00	120.37	Disputed Claim - Too Small for Litigation
35	02 01510 0220 0055 881 3 06	Keith, Michael Ontario Paralegal 149 Main St. East, 102	20.74	48.58	.00	.00	69.32	Disputed Claim Too Small for Litigation
37	02 01520 0010 0185 891 1 17	The Shaver Shops Ltd. 140 King St. East	8.40	95.97	.00	.00	104.37	Corporation Out of Business - No Assets
37	02 01520 0010 0185 891 2	The Shaver Shops Ltd. 140 King St. East	.75	2.09	.00	.00	2.84	Corporation Out of Business - No Assets
38	02 01520 0010 0225 891 1 17	Cook, Gordon My Very Own Cook Book 140 King St. East	6.72	76.46	.00	.00	83.18	Out of Business - Unable to locate owner

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Item Number (1)	Business Serial Number (2)	Name and Business Address (3)	Prior Years Penalty & Interest (4)	Prior Years Arrears (5)	Current Years Penalty & Interest (6)	Current Years Arrears (7)	Taxes Outstanding (8)	Remarks (9)
38	02 01520 0010 0225 891 2 17	Cook, Gordon My Very Own Cook Book 140 King St. East	25.50	81.30	.00	.00	106.80	Out of Business - Unable to locate owner
40	02 01520 0010 0555 871 3	Professional Computer Systems Ltd. 105 Main St. E., Ste. 612	356.41	689.29	.00	.00	1,045.70	Corporation Out of Business - No Assets
41	02 01520 0520 0060 881 2 17	Video Stations Inc. 222 King St. East	41.00	164.11	.00	.00	205.11	Corporation Out of Business - No Assets
41	02 01520 0520 0060 881 3	Video Stations Inc. 222 King St. East	3.85	8.56	.00	.00	12.41	Corporation Out of Business - No Assets
42	02 01520 0670 0020 891 2 17	Chopera Chem Shergill Prithpal Singh An c/o Le Ganges 31 Longboat Avenue Toronto, Ontario	79.38	453.50	.00	.00	532.88	Out of Business - Unable to locate owner

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Item Number (1)	Business Serial Number (2)	Name and Business Address (3)	Prior Years Penalty & Interest (4)	Prior Years Arrears (5)	Current Years Penalty & Interest (6)	Current Years Arrears (7)	Taxes Outstanding (8)	Remarks (9)
43	02 01525 0100 0060 881 2 17	Courts and Slopes Inc. 237 King St. East	264.95	786.82	.00	.00	1,051.77	Corporation Out of Business - No Assets
44	02 01525 0610 0020 881 2 17	La Ville Cafe Inc. 193 King St. East	140.07	533.93	.00	.00	674.00	Corporation Out of Business - No Assets
45	02 01525 0610 0020 891 2 17	Chowdhury, Siraj Tandori Place 193 King St. East	46.76	267.02	.00	.00	313.78	Out of Business - Unable to locate owner
46	02 01525 1000 0260 891 2 17	D C Promotions Inc. 167 1/2 King St. E.	183.20	498.13	.00	.00	681.33	Corporation Out of Business - No Assets
47	02 01525 1960 0600 901 1 10	TLC One Ltd. Lou Ferro-Hamilton 1 Hughson St. N., 6th	69.39	616.60	.00	.00	685.99	Corporation Out of Business - No Assets
48	02 01525 2170 0020 901 2 01	SJB Investments Inc. Panzarotto and Pizza 3 King St. East	1,897.08	5,773.58	.00	.00	7,670.66	Corporation Out of Business - No Assets

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49	02 01530 0610 0030 891 2 17	Skypas, Louis Tivoli Tavern & Rest. 80 James St. North	85.65	457.14	.00	.00	542.79	Corporation Out of Business - No Assets
51	02 01535 1120 0025 861 5 17	Fichtner Studios 43/45 King William	213.18	334.00	.00	.00	547.18	Out of Business - Unable to locate owner
52	02 01535 9060 0010 891 2 17	Freeway Trade & Mercantile Inc. 22 John St. North	100.58	293.95	.00	.00	394.53	Corporation Out of Business - No Assets
53	02 01540 1090 0020 881 3 17	Blagden, Anthony The Paint Factory 98 Catharine St. North	209.28	523.03	.00	.00	732.31	Out of Business - Unable to locate owner
55	02 01810 1620 0040 881 2	Northport Development Corporation 195 Main St. East	42.60	131.46	.00	.00	174.06	Corporation Out of Business - No Assets

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<u>Item Number (1)</u>	<u>Business Serial Number (2)</u>	<u>Name and Business Address (3)</u>	<u>Prior Years Penalty & Interest (4)</u>	<u>Prior Years Arrears (5)</u>	<u>Current Years Penalty & Interest (6)</u>	<u>Current Years Arrears (7)</u>	<u>Taxes Outstanding (8)</u>	<u>Remarks (9)</u>
57	02 01810 5980 0020 891 2 01	Chernesky, David Berman & Ward Trophy 214 King William St.	53.97	257.50	.00	.00	311.47	Out of Business - Unable to locate owner
58	03 02030 5830 0030 881 2 01	Leta Graphics Inc. 370 Main St. E.	86.67	256.99	.00	.00	343.66	Corporation Out of Business - No Assets
59	03 02145 5800 0040 881 3 17	Phinahan, Khokhar PK Variety 359 Cannon St. East	23.28	77.96	.00	.00	101.24	Out of Business - Unable to locate owner
60	03 02160 1780 0060 891 1 17	Howarth, Denis The Junk Box 292 Barton St. East	4.29	31.55	.00	.00	35.84	Disputed Claim - Too Small for Litigation
61	03 02210 0430 0220 899 1 05	Keymetal Spinning Ltd. P. O. Box 3126, Stn. C	17.16	114.60	.00	.00	131.76	Corporation Out of Business - No Assets
62	03 02240 1480 0020 891 2 17	Polycom Graphics Co. 152 Niagara Street	76.70	472.13	.00	.00	548.83	Corporation Out of Business - No Assets

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Item Number (1)	Business Serial Number (2)	Name and Business Address (3)	Prior Years Penalty & Interest (4)	Prior Years Arrears (5)	Current Years Penalty & Interest (6)	Current Years Arrears (7)	Taxes Outstanding (8)	Remarks (9)
63	03 02250 8520 0040 891 2 17	Rollins Steel Service Limited c/o 8 Glendora Ct.	72.43	353.74	.00	.00	426.17	Corporation Out of Business - No Assets
64	03 02325 0940 0020 891 1 17	Pearl, Robert The Pizza Palace 838 King St. East	4.34	346.87	.00	.00	351.21	Out of Business - Unable to locate owner
64	03 02325 0940 0021 891 1 17	Pearl, Robert The Pizza Palace 838 King St. East	.68	54.06	.00	.00	54.74	Out of Business - Unable to locate owner
65	03 02325 5460 0050 881 2	Bdinka Norman 3 V Cleaners - Agent 372 Plains Rd. West	12.32	35.20	.00	.00	47.52	Out of Business - Unable to locate owner
65	03 02325 5460 0050 881 3	Bdinka Norman 3 V Cleaners - Agent 372 Plains Rd. West	16.40	33.14	.00	.00	49.54	Out of Business - Unable to locate owner

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<u>Item Number</u> (1)	<u>Business Serial Number</u> (2)	<u>Name and Business Address</u> (3)	<u>Prior Years Penalty Interest & (4)</u>	<u>Prior Years Arrears (5)</u>	<u>Current Years Penalty Interest & (6)</u>	<u>Current Years Arrears (7)</u>	<u>Taxes Outstanding (8)</u>	<u>Remarks</u> (9)
66	03 02325 5460 0080 891 2 05	Williams, Cornelius 829 King St. East	43.75	139.98	.00	.00	183.73	Out of Business - Unable to locate owner
67	03 02325 6240 0100 891 1 17	Studio Graphics Ltd. Ste. 203, 733 King East	44.99	327.04	.00	.00	372.03	Corporation Out of Business - No Assets
67	03 02325 6240 0100 891 2 01	Studio Graphics Ltd. Ste. 203, 733 King East	12.98	47.52	.00	.00	60.50	Corporation Out of Business - No Assets
70	03 02655 1310 0286 891 2 17	Anderson, David Commercial Audio 797 Barton St. E., Rm. 112	4.03	25.19	.00	.00	29.22	Out of Business - Unable to locate owner
71	03 02720 2490 0040 891 1 05	Williams, John E. T/A T J's Auto 601 Burlington St. East	92.95	571.97	.00	.00	664.92	Out of Business - Unable to locate owner
72	04 02810 0190 0020 881 2	R & R Enterprise Inc. Delta Driving School 1139 Main St. East	44.00	140.83	.00	.00	184.83	Corporation Out of Business - No Assets

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<u>Item Number</u> (1)	<u>Business Serial Number</u> (2)	<u>Name and Business Address</u> (3)	<u>Prior Years Penalty & Interest</u> (4)	<u>Prior Years Arrears</u> (5)	<u>Current Years Penalty & Interest</u> (6)	<u>Current Years Arrears</u> (7)	<u>Taxes Outstanding</u> (8)	<u>Remarks</u> (9)
73	04 02850 0670 0020 891 1 17	Kinsie Wool Shop Ltd. T/A Honest Freds 119 Pine Bush Rd. Cambridge, Ontario	29.61	263.28	.00	.00	292.89	Corporation Out of Business - No Assets
74	04 02860 0790 0020 891 2 17	Ramid Enterprises Inc. T/A Bakers Dozen 1014 Barton St. East	29.40	168.15	.00	.00	197.55	Corporation Out of Business - No Assets
75	04 02860 0790 0020 899 1 12	Hambour, Jim T/A Bakers Dozen 1014 Barton St. East	36.12	206.00	.00	.00	242.12	Corporation Out of Business - No Assets
76	04 02860 1060 0020 872 3 17	Tran Thieu Chicky's Pool Room 20 Demaris Ave. Downsview, Ontario	191.36	478.19	.00	.00	669.55	Out of Business - Unable to locate owner
78	04 02860 1300 0060 871 3 17	Deul Sukhinder Khalsa Textiles 1070 Barton St. East	12.04	34.73	.00	.00	46.77	Out of Business - Unable to locate owner

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Item Number (1)	Business Serial Number (2)	Name and Business Address (3)	Prior Years Penalty & Interest (4)	Prior Years Arrears (5)	Current Years Penalty & Interest (6)	Current Years Arrears (7)	Taxes Outstanding (8)	Remarks (9)
79	04 02860 1300 0090 881 2 17	Singh, Avtar T/A Khalsa Foods 1072 Barton St. East	5.22	28.34	.00	.00	33.56	Disputed Claim - Too Small for Litigation
79	04 02860 1300 0090 881 3 01	Singh, Avtar T/A Khalsa Foods 1072 Barton St. East	.64	1.30	.00	.00	1.94	Disputed Claim - Too Small for Litigation
80	04 02860 2460 0020 891 1 17	Garofalo, Ida T/A Hair Studio 907 907 Barton St. East	15.51	112.88	.00	.00	128.39	Out of Business - Unable to locate owner
80	04 02860 2460 0020 891 2	Garofalo, Ida T/A Hair Studio 907 907 Barton St. East	2.64	8.72	.00	.00	11.36	Out of Business - Unable to locate owner
81	04 02860 2490 0020 873 3 17	Ye Olde Bar Shoppe Ltd. W. 3391 Lakeshore Blvd. W. Toronto, Ontario	88.80	192.33	.00	.00	281.13	Corporation Out of Business - No Assets

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82	04 02880 5740 0020 891 1 17	Gaska Martin Renovations 7 Depew Street	16.11	143.34	.00	.00	159.45	Corporation Out of Business - No Assets
82	04 02880 5740 0020 891 2 01	Gaska Martin Renovations 7 Depew Street	362.34	1,073.72	.00	.00	1,436.06	Corporation Out of Business - No Assets
83	04 02930 5660 0020 891 1 17	Crossroads Restaurant 668517 Ontario Inc. 1120 Main St. East	4.18	30.62	.00	.00	34.80	Corporation Out of Business - No Assets
84	04 03050 0820 0020 881 2 17	Fournier, John T/A Super Duper Donuts 1384 Main St. East	32.90	188.12	.00	.00	221.02	Out of Business - Unable to locate owner
85	04 03110 1120 0020 881 2 17	Hamilton Bathtub Reglazing Ltd. c/o Karen Bogul 22 Rosedale Avenue	6.89	42.07	.00	.00	48.96	Corporation Out of Business - No Assets

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86	04 03125 7520 0040 881 3 01	700611 Ontario Limited T/A Michael J's Cleaning 1351 Main St. East	48.36	99.42	.00	.00	147.78	Corporation Out of Business - No Assets
88	04 03150 0310 5480 881 2 17	Maynards Industrial Auctioneers Ltd. 415 West 2nd Street	4.10	32.60	.00	.00	36.70	Too Small for Litigation
90	04 03155 5220 0020 881 2 17	Channel Choices Franchis Inc. 36 Stoffel Drive	21.70	123.65	.00	.00	145.35	Corporation Out of Business - No Assets
91	04 03155 5761 0010 891 2 17	Eastham Sales Inc. T/A Elk Shipping 271 Kenilworth North	20.55	59.85	.00	.00	80.40	Disputed Claim - Too Small for Litigation
92	04 03210 7250 0040 891 2 17	Welsh, Shane David 42 Benson Avenue	4.20	23.86	.00	.00	28.06	Out of Business - Unable to locate owner

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93	04 03310 0070 0190 881 2 03	Carlisle Electronics 350 Kenilworth North	118.80	351.72	.00	.00	470.52	Corporation Out of Business - No Assets
94	04 03310 0820 0035 881 2 17	Wheaton, Larry T/A Limelight Studio 256 Kenilworth North	25.34	144.78	.00	.00	170.12	Disputed Claim - Too Small for Litigation
95	04 03310 1330 0020 891 1 17	Thorne, Stewart Kenny's Furniture 210 B Kenilworth North	27.43	168.86	.00	.00	196.29	Out of Business - Unable to locate owner
95	04 03310 1330 0020 891 2	Thorne, Stewart Kenny's Furniture 210 B Kenilworth North	.72	2.43	.00	.00	3.15	Out of Business - Unable to locate owner
96	04 03310 2290 0040 881 2 01	Falusi Christopher T/A Mainly Meats & Brokers Syndicate 34 Kenilworth North	11.91	41.11	.00	.00	53.02	Out of Business - Unable to locate owner

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97	04 03345 7950 0020 881 2 17	Elvin, John Nixon, Robert 1525 Barton St. East	35.80	118.42	.00	.00	154.22	Out of Business - Unable to locate owner
99	05 04010 1150 0120 881 2 06	Burci Enterprises Inc. 550 Rennie St., U.6	240.50	769.83	.00	.00	1,010.33	Deceased - No Assets in Estate
100	05 04010 3390 0040 871 3	Canrep Morse Inc. 85 Morley Street	20.52	43.44	.00	.00	63.96	Corporation Out of Business - No Assets
101	05 04110 0520 0020 881 2 17	Focus Real Estate Inc. c/o Henry M. Senyk 261 Queenston Road	26.50	84.82	.00	.00	111.32	Corporation Out of Business - No Assets
102	05 04110 1210 0030 881 2 17	Mete, Cheryl Rice, Larry T/A Larry's Auto Sales 33 Parkdale Ave. South	8.40	47.62	.00	.00	56.02	Too Small for Litigation

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103	05 04120 2000 0020 872 4 10	Dzwigala, Jan T/A Rosie's Place 124 Parkdale Ave. N.	36.54	69.42	.00	.00	105.96	Out of Business - Unable to locate owner
104	05 04120 2120 0020 891 1 17	White, Sheila McLean, Josie T/A Streat Beat 104 Parkdale Ave. N.	18.00	159.77	.00	.00	177.77	Out of Business - Unable to locate owner
104	05 04120 2120 0020 899 1 10	White, Sheila McLean, Josie T/A Streat Beat 104 Parkdale Ave. N.	16.80	95.92	.00	.00	112.72	Out of Business - Unable to locate owner
105	05 04190 0100 0100 891 1 17	Prolex Kitchen Cabinets Vanities Inc. 1811 Barton St. East	80.96	588.42	.00	.00	669.38	Corporation Out of Business - No Assets

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106	05 04410 0010 0430 891 1 17	Jakowetz, Joseph Records on Wheels 686 Queenston Road	2.31	16.87	.00	.00	19.18	Too Small for Litigation
106	05 04410 0010 0430 891 2	Jakowetz, Joseph Records on Wheels 686 Queenston Road	1.08	3.06	.00	.00	4.14	Too Small for Litigation
107	05 04410 0070 0040 891 2	708015 Ontario Inc. c/o Living Lighting 714 Queenston Road	587.39	1,677.32	.00	.00	2,264.71	Corporation Out of Business - No Assets
107	05 04410 0070 0040 891 3 04	708015 Ontario Inc. c/o Living Lighting 714 Queenston Road	11.56	27.08	.00	.00	38.64	Corporation Out of Business - No Assets
108	05 04505 0190 0020 881 2 17	676773 Ontario Inc. T/A Red Rose Motel 553 Queenston Road	219.87	837.84	.00	.00	1,057.71	Corporation Out of Business - No Assets

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108	05 04505 0190 0020 881 3 01	676773 Ontario Inc. T/A Red Rose Motel 553 Queenston Road	14.06	29.50	.00	.00	43.56	Corporation Out of Business - No Assets
109	05 04530 0010 1425 899 1 06	Niznik, Joyce T/A The Second Cup 75 Centennial Pkwy. N.	47.46	271.41	.00	.00	318.87	Out of Business - Unable to locate owner
110	05 04530 0010 1550 891 1 17	736384 Ontario Inc. T/A Manhattan Fries 75 Centennial Pkwy. N.	37.98	1,013.11	.00	.00	1,051.09	Corporation Out of Business - No Assets
111	05 04610 0310 0025 851 5 17	449914 Ontario Ltd. Bronte Auto Parts 2538 Speers Rd. West Oakville, Ontario	55.00	80.00	.00	.00	135.00	Corporation Out of Business - No Assets
112	05 04710 3390 0090 871 3 17	Weicker Associates Ltd. Insurance Agencies Inc. 298 Grays Rd., U.A2	183.21	473.18	.00	.00	656.39	Corporation Out of Business - No Assets

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113	05 04710 3390 0100 881 3 17	Unique Billboards Inc. c/o Al Curnew 2 Lakepoint Place	35.28	134.51	.00	.00	169.79	Corporation Out of Business - No Assets
114	05 04810 1180 0010 882 0 01	703290 Ontario Inc. T/A Two Guys 2289 Barton St. E., U.6	89.46	266.76	.00	.00	356.22	Corporation Out of Business - No Assets
114	05 04810 1180 0120 881 2 01	703290 Ontario Inc. T/A Two Guys 2289 Barton St. E., U.6	194.41	577.76	.00	.00	772.17	Corporation Out of Business - No Assets
114	05 04810 1180 0120 891 1 17	Two Guys Auto Service 2289 Barton St. E., U.6	65.16	579.52	.00	.00	644.68	Corporation Out of Business - No Assets
114	05 04810 1180 0120 899 1 11	Two Guys Auto Service 2289 Barton St. E., U.6	11.34	64.50	.00	.00	75.84	Corporation Out of Business - No Assets

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116	05 04810 1590 0020 891 1 17	751084 Ontario Inc. T/A Peregrine Yachts 95 Cascade St., U.1	87.80	702.66	.00	.00	790.46	Corporation Out of Business - No Assets
117	05 04810 3400 0070 882 2 17	Blue Magic Cleaning Systems Inc. T/A Ceil Tec 100 King St. West	82.00	328.10	.00	.00	410.10	Corporation Out of Business - No Assets
119	05 04810 3570 0020 891 2	Simmons, Len Parkway Propane P. O. Box 9117	154.07	418.93	.00	.00	573.00	Out of Business - Unable to locate owner
120	05 04810 4560 0080 871 4	677323 Ontario Inc. O/A Jeffery's Cartage 333 Kenora Ave. N.	179.18	421.45	.00	.00	600.63	Corporation Out of Business - No Assets
121	05 04810 5330 0110 891 1 17	R E Restaurant Services 247 Centennial Pkwy. N.	91.08	809.32	.00	.00	900.40	Corporation Out of Business - No Assets

City of Hamilton
Treasury

CATEGORY "B" - ACCOUNTS ASSIGNED TO
COLLECTION AGENCY

SCHEDULE B - OUTSTANDING BUSINESS TAX ACCOUNTS RECOMMENDED FOR WRITE-OFF IN 1990

<u>Item Number</u> (1)	<u>Business Serial Number</u> (2)	<u>Name and Business Address</u> (3)	<u>Prior Years Penalty & Interest</u> (4)	<u>Prior Years Arrears</u> (5)	<u>Current Years Penalty & Interest</u> (6)	<u>Current Years Arrears</u> (7)	<u>Taxes Outstanding</u> (8)	<u>Remarks</u> (9)
113	05 04710 3390 0100 881 3 17	Unique Billboards Inc. c/o Al Curnew 2 Lakepoint Place	35.28	134.51	.00	.00	169.79	Corporation Out of Business - No Assets
114	05 04810 1180 0010 882 0 01	703290 Ontario Inc. T/A Two Guys 2289 Barton St. E., U.6	89.46	266.76	.00	.00	356.22	Corporation Out of Business - No Assets
114	05 04810 1180 0120 881 2 01	703290 Ontario Inc. T/A Two Guys 2289 Barton St. E., U.6	194.41	577.76	.00	.00	772.17	Corporation Out of Business - No Assets
114	05 04810 1180 0120 891 1 17	Two Guys Auto Service 2289 Barton St. E., U.6	65.16	579.52	.00	.00	644.68	Corporation Out of Business - No Assets
114	05 04810 1180 0120 899 1 11	Two Guys Auto Service 2289 Barton St. E., U.6	11.34	64.50	.00	.00	75.84	Corporation Out of Business - No Assets

City of Hamilton
Treasury

CATEGORY "B" - ACCOUNTS ASSIGNED TO
COLLECTION AGENCY

SCHEDULE B - OUTSTANDING BUSINESS TAX ACCOUNTS RECOMMENDED FOR WRITE-OFF IN 1990

<u>Item Number</u> (1)	<u>Business Serial Number</u> (2)	<u>Name and Business Address</u> (3)	<u>Prior Years Penalty & Interest</u> (4)	<u>Prior Years Arrears</u> (5)	<u>Current Years Penalty & Interest</u> (6)	<u>Current Years Arrears</u> (7)	<u>Taxes Outstanding</u> (8)	<u>Remarks</u> (9)
116	05 04810 1590 0020 891 1 17	751084 Ontario Inc. T/A Peregrine Yachts 95 Cascade St., U.I	87.80	702.66	.00	.00	790.46	Corporation Out of Business - No Assets
117	05 04810 3400 0070 882 2 17	Blue Magic Cleaning Systems Inc. T/A Ceil Tec 100 King St. West	82.00	328.10	.00	.00	410.10	Corporation Out of Business - No Assets
119	05 04810 3570 0020 891 2	Simmons, Len Parkway Propane P. O. Box 9117	154.07	418.93	.00	.00	573.00	Out of Business - Unable to locate owner
120	05 04810 4560 0080 871 4	677323 Ontario Inc. O/A Jeffery's Cartage 333 Kenora Ave. N.	179.18	421.45	.00	.00	600.63	Corporation Out of Business - No Assets
121	05 04810 5330 0110 891 1 17	R E Restaurant Services 247 Centennial Pkwy. N.	91.08	809.32	.00	.00	900.40	Corporation Out of Business - No Assets

City of Hamilton
Treasury

CATEGORY "B" - ACCOUNTS ASSIGNED TO
COLLECTION AGENCY

SCHEDULE B - OUTSTANDING BUSINESS TAX ACCOUNTS RECOMMENDED FOR WRITE-OFF IN 1990

Item Number (1)	Business Serial Number (2)	Name and Business Address (3)	Prior Years Penalty & Interest (4)	Prior Years Arrears (5)	Current Years Penalty & Interest (6)	Current Years Arrears (7)	Taxes Outstanding (8)	Remarks (9)
121	05 04810 5330 0110 891 2 02	R E Restaurant Services 247 Centennial Pkwy. N.	758.97	2,249.10	.00	.00	3,008.07	Corporation Out of Business - No Assets
121	05 04810 5330 0111 891 1 17	R E Restaurant Services 247 Centennial Pkwy. N.	21.06	187.24	.00	.00	208.30	Corporation Out of Business - No Assets
121	05 04810 5330 0111 891 2 02	R E Restaurant Services 247 Centennial Pkwy. N.	175.50	520.39	.00	.00	695.89	Corporation Out of Business - No Assets
122	05 04810 5330 0460 891 1 17	WCC Weight Control International Inc. 51 Toro Road Downsview, Ontario	2.61	23.34	.00	.00	25.95	Corporation Out of Business - No Assets
123	05 04810 5330 0480 841 6 17	Factory Agency Outlets Inc. 247 Centennial Pkwy. N.	211.70	232.07	.00	.00	443.77	Corporation Out of Business - No Assets

City of Hamilton
Treasury

CATEGORY "B" - ACCOUNTS ASSIGNED TO
COLLECTION AGENCY

SCHEDULE B - OUTSTANDING BUSINESS TAX ACCOUNTS RECOMMENDED FOR WRITE-OFF IN 1990

<u>Item Number</u> (1)	<u>Business Serial Number</u> (2)	<u>Name and Business Address</u> (3)	<u>Prior Years Penalty & Interest</u> (4)	<u>Prior Years Arrears</u> (5)	<u>Current Years Penalty & Interest</u> (6)	<u>Current Years Arrears</u> (7)	<u>Taxes Outstanding</u> (8)	<u>Remarks</u> (9)
123	05 04810 5330 0481 841 6 17	Factory Agency Outlets Inc. 247 Centennial Pkwy. N.	48.91	53.59	.00	.00	102.50	Corporation Out of Business - No Assets
124	05 04810 8435 0020 871 3	560567 Ontario Ltd. 71 Brockley Drive	26.64	59.36	.00	.00	86.00	Corporation Out of Business - No Assets
125	06 05715 0010 0100 881 2 17	703333 Ontario Ltd. Bestway Cleaners 55 Fairholt Rd. South	11.20	63.81	.00	.00	75.01	Corporation Out of Business - No Assets
125	06 05715 0010 0100 881 3 07	703333 Ontario Ltd. Bestway Cleaners 55 Fairholt Rd. South	197.67	479.34	.00	.00	677.01	Corporation Out of Business - No Assets
125	07 08330 8100 0140 881 2	703333 Ontario Ltd. Bestway Cleaners 55 Fairholt Rd. South	209.60	579.08	.00	.00	788.68	Corporation Out of Business - No Assets

City of Hamilton
Treasury

CATEGORY "B" - ACCOUNTS ASSIGNED TO
COLLECTION AGENCY

SCHEDULE B - OUTSTANDING BUSINESS TAX ACCOUNTS RECOMMENDED FOR WRITE-OFF IN 1990

<u>Item Number (1)</u>	<u>Business Serial Number (2)</u>	<u>Name and Business Address (3)</u>	<u>Prior Years Penalty & Interest (4)</u>	<u>Prior Years Arrears (5)</u>	<u>Current Years Penalty & Interest (6)</u>	<u>Current Years Arrears (7)</u>	<u>Taxes Outstanding (8)</u>	<u>Remarks (9)</u>
125	07 08330 8100 0141 881 2	703333 Ontario Ltd. Bestway Cleaners 55 Fairholt Rd. South	45.46	125.98	.00	.00	171.44	Corporation Out of Business - No Assets
125	08 10320 0650 0100 881 2	703333 Ontario Ltd. Bestway Cleaners 55 Fairholt Rd. South	326.12	887.14	.00	.00	1,213.26	Corporation Out of Business - No Assets
125	08 10320 0650 0100 881 3 07	703333 Ontario Ltd. Bestway Cleaners 55 Fairholt Rd. South	178.84	420.98	.00	.00	599.82	Corporation Out of Business - No Assets
125	08 10320 0650 0101 881 2	703333 Ontario Ltd. Bestway Cleaners 55 Fairholt Rd. South	67.92	184.82	.00	.00	252.74	Corporation Out of Business - No Assets
125	08 10320 0650 0101 881 3 07	703333 Ontario Ltd. Bestway Cleaners 55 Fairholt Rd. South	37.40	87.71	.00	.00	125.11	Corporation Out of Business - No Assets

City of Hamilton
Treasury

CATEGORY "B" - ACCOUNTS ASSIGNED TO
COLLECTION AGENCY

SCHEDULE B - OUTSTANDING BUSINESS TAX ACCOUNTS RECOMMENDED FOR WRITE-OFF IN 1990

Item Number (1)	Business Serial Number (2)	Name and Business Address (3)	Prior Years Penalty & Interest (4)	Prior Years Arrears (5)	Current Years Penalty & Interest (6)	Current Years Arrears (7)	Taxes Outstanding (8)	Remarks (9)
126	06 06230 3000 0200 891 1 17	Markhams Cleaners 151 James St. South	4.18	30.13	.00	.00	34.31	Corporation Out of Business - No Assets
126	07 08330 8100 0140 891 1 17	687443 Ontario Inc. Markhams Cleaners 151 James St. South	2.10	16.79	.00	.00	18.89	Corporation Out of Business - No Assets
126	07 08330 8100 0140 891 2 06	687443 Ontario Inc. Markhams Cleaners 151 James St. South	83.49	290.58	.00	.00	374.07	Corporation Out of Business - No Assets
127	06 07210 5310 0040 881 2 02	Allard, Tony 115 Nebo Road	17.80	70.96	.00	.00	88.76	Out of Business - Unable to locate owner
128	07 06520 6010 1270 891 2	The Frill Seekers Inc. 487 Adelaide St. West	15.18	52.84	.00	.00	68.02	Corporation Out of Business - No Assets
128	07 06520 6010 1271 891 2	The Frill Seekers Inc. 487 Adelaide St. West	3.22	10.92	.00	.00	14.14	Corporation Out of Business - No Assets

City of Hamilton
Treasury

CATEGORY "B" - ACCOUNTS ASSIGNED TO
COLLECTION AGENCY

SCHEDULE B - OUTSTANDING BUSINESS TAX ACCOUNTS RECOMMENDED FOR WRITE-OFF IN 1990

<u>Item Number (1)</u>	<u>Business Serial Number (2)</u>	<u>Name and Business Address (3)</u>	<u>Prior Years Penalty & Interest (4)</u>	<u>Prior Years Arrears (5)</u>	<u>Current Years Penalty & Interest (6)</u>	<u>Current Years Arrears (7)</u>	<u>Taxes Outstanding (8)</u>	<u>Remarks (9)</u>
129	07 06610 8720 0480 881 2 17	Bestway Cleaners Inc. 55 Fairholt Rd. South	158.51	431.25	.00	.00	589.76	Corporation Out of Business - No Assets
129	07 06610 8720 0481 881 2 17	Bestway Cleaners Inc. 55 Fairholt Rd. South	32.95	89.77	.00	.00	122.72	Corporation Out of Business - No Assets
130	07 06720 0400 0090 881 2 17	Brown, Ronald Pizza Experience 585B Concession St.	6.25	20.12	.00	.00	26.37	Out of Business - Unable to locate owner
131	07 06720 2250 0060 8871 3	Levesque, Elizabeth Sub Shop c/o 650 Fennell Ave. E.	9.77	20.26	.00	.00	30.03	Too Small for Litigation
133	07 08120 0610 0020 891 2	Alfredo's Pizza Parlour 441 Fennell Ave. E.	49.77	189.67	.00	.00	239.44	Corporation Out of Business - No Assets

City of Hamilton
Treasury

CATEGORY "B" - ACCOUNTS ASSIGNED TO
COLLECTION AGENCY

SCHEDULE B - OUTSTANDING BUSINESS TAX ACCOUNTS RECOMMENDED FOR WRITE-OFF IN 1990

Item Number (1)	Business Serial Number (2)	Name and Business Address (3)	Prior Years Penalty & Interest (4)	Prior Years Arrears (5)	Current Years Penalty & Interest (6)	Current Years Arrears (7)	Taxes Outstanding (8)	Remarks (9)
135	01 00130 0430 0190 881 2	Aquatic Canada Ltd. Superior Pool Service 1686 Main St. West	167.61	455.89	.00	.00	623.50	Corporation Out of Business - No Assets
136	02 01210 2670 0010 891 1 17	Manning Lundy Millary Overture & Beginners	3.63	26.70	.00	.00	30.33	Out of Business - Unable to locate owner
137	07 08410 7600 0040 871 3 17	Geddes, William Daniel Bulldog Custom Rods 418 Limeridge Rd. East	8.58	21.16	.00	.00	29.74	Too Small for Litigation
138	07 08710 1970 0020 891 1 17	The High School Cafe 447 East 13th Street	154.60	1,236.67	.00	.00	1,391.27	Corporation Out of Business - No Assets
138	07 08710 1970 0020 891 2 06	The High School Cafe 447 East 13th Street	41.16	235.42	.00	.00	276.58	Corporation Out of Business - No Assets
139	07 08710 1970 0140 891 1 17	Brunner Travel Ltd. 1205-518 Mohawk Rd. E.	11.80	94.45	.00	.00	106.25	Corporation Out of Business - No Assets

City of Hamilton
Treasury

CATEGORY "B" - ACCOUNTS ASSIGNED TO
TO COLLECTION AGENCY

SCHEDULE B - OUTSTANDING BUSINESS TAX ACCOUNTS RECOMMENDED FOR WRITE-OFF IN 1990

Item Number (1)	Business Serial Number (2)	Name and Business Address (3)	Prior Years Penalty & Interest (4)	Prior Years Arrears (5)	Current Years Penalty & Interest (6)	Current Years Arrears (7)	Taxes Outstanding (8)	Remarks (9)
140	07 08820 0280 0046 881 2	Balcon, Keith Alliance Securities 1039 Upper James St.	43.23	117.93	.00	.00	161.16	Too Small for Litigation
141	08 09310 8330 0065 881 2 17	Flix Inc. Flicks N Things 830 Upper James St.	158.64	528.81	.00	.00	687.45	Corporation Out of Business - No Assets
141	08 09310 8330 0066 881 2 17	Flix Inc. Flicks N Things 830 Upper James St.	37.68	125.37	.00	.00	163.05	Corporation Out of Business - No Assets
141	08 09310 8370 0065 881 2 17	Flix Inc. Flicks N Things 830 Upper James St.	33.60	112.17	.00	.00	145.77	Corporation Out of Business - No Assets
142	08 10320 0650 0010 891 2 17	Cass & Bishop Barristers & Solicitors 720 Guelph Line	196.46	827.18	.00	.00	1,023.64	Corporation Out of Business - No Assets

City of Hamilton
Treasury

CATEGORY "B" - ACCOUNTS ASSIGNED TO
COLLECTION AGENCY

SCHEDULE B - OUTSTANDING BUSINESS TAX ACCOUNTS RECOMMENDED FOR WRITE-OFF IN 1990

Item Number (1)	Business Serial Number (2)	Name and Business Address (3)	Prior Years Penalty & Interest (4)	Prior Years Arrears (5)	Current Years Penalty & Interest (6)	Current Years Arrears (7)	Taxes Outstanding (8)	Remarks (9)
143	08 10920 1790 0110 881 3 09	Cristal Construction 120 San Antonio Dr.	76.16	178.89	.00	.00	255.05	Corporation Out of Business - No Assets
144	08 11010 0010 0121 891 1 17	Jones, Rita Rita's Discount Store 1628 Upper James	5.40	36.33	.00	.00	41.73	Too Small for Litigation
144	08 11010 0010 0121 891 2	Jones, Rita Rita's Discount Store 1628 Upper James	9.40	74.83	.00	.00	84.23	Too Small for Litigation
TOTAL CATEGORY "B"			17,396.25	65,334.90	.00	.00	82,731.15	
			=====	=====	=====	=====	=====	

City of Hamilton
Treasury

CATEGORY "C" - ADVISED BY TRUSTEE
BANKRUPTCY/RECEIVERSHIP
NO FUNDS AVAILABLE FOR DISTRIBUTION

SCHEDULE B - OUTSTANDING BUSINESS TAX ACCOUNTS RECOMMENDED FOR WRITE-OFF IN 1990

Item Number (1)	Business Serial Number (2)	Name and Business Address (3)	Prior Years Penalty & Interest (4)	Prior Years Arrears (5)	Current Years Penalty & Interest (6)	Current Years Arrears (7)	Taxes Outstanding (8)	Remarks (9)
4	01 00450 6700 0060 871 3 17	642260 Ontario Inc. Calhoun's Place 25 Main St. W., Ste. 805	734.31	1,809.37	.00	.00	2,543.68	Dunwoody Limited - Trustee
4	01 00450 6700 0060 871 4 02	642260 Ontario Inc. Calhoun's Place 25 Main St. W., Ste. 805	1,263.65	2,066.02	.00	.00	3,329.67	Dunwoody Limited - Trustee
4	01 00450 6700 0070 871 3 17	642260 Ontario Inc. Calhoun's Place 25 Main St. W., Ste. 805	91.53	225.22	.00	.00	316.75	Dunwoody Limited - Trustee
4	01 00450 6700 0070 871 4 02	642260 Ontario Inc. Calhoun's Place 25 Main St. W., Ste. 805	1.56	3.51	.00	.00	5.07	Dunwoody Limited - Trustee
4	07 08710 1970 0020 871 3 17	642260 Ontario Inc. Calhoun's Place 1171 Upper James St.	266.22	626.39	.00	.00	892.61	Dunwoody Limited - Trustee

City of Hamilton
Treasury

CATEGORY "C" - ADVISED BY TRUSTEE
BANKRUPTCY/RECEIVERSHIP
NO FUNDS AVAILABLE FOR DISTRIBUTION

SCHEDULE B - OUTSTANDING BUSINESS TAX ACCOUNTS RECOMMENDED FOR WRITE-OFF IN 1990

Item Number (1)	Business Serial Number (2)	Name and Business Address (3)	Prior Years Penalty & Interest (4)	Prior Years Arrears (5)	Current Years Penalty & Interest (6)	Current Years Arrears (7)	Taxes Outstanding (8)	Remarks (9)
4	07 08710 1970 0020 871 4 06	642260 Ontario Inc. Calhoun's Place 1171 Upper James St.	593.57	1,376.74	.00	.00	1,970.31	Dunwoody Limited - Trustee
4	07 08710 1970 0021 871 3 17	642260 Ontario Inc. Calhoun's Place 1171 Upper James St.	124.60	284.83	.00	.00	409.43	Dunwoody Limited - Trustee
4	07 08710 1970 0021 871 4 06	642260 Ontario Inc. Calhoun's Place 1171 Upper James St.	375.84	626.03	.00	.00	1,001.87	Dunwoody Limited - Trustee
18	01 01015 0070 0020 881 2 17	Cosmi, Dominica Cosmi, Michael Cosmi, Nicola Cosmi, Joseph 374 Main St. West	149.64	436.53	.00	.00	586.17	Quon & Associates - Trustee

City of Hamilton
Treasury

CATEGORY "C" - ADVISED BY TRUSTEE
BANKRUPTCY/RECEIVERSHIP
NO FUNDS AVAILABLE FOR DISTRIBUTION

SCHEDULE B -- OUTSTANDING BUSINESS TAX ACCOUNTS RECOMMENDED FOR WRITE-OFF IN 1990

Item Number (1)	Business Serial Number (2)	Name and Business Address (3)	Prior Years Penalty & Interest (4)	Prior Years Arrears (5)	Current Years Penalty & Interest (6)	Current Years Arrears (7)	Taxes Outstanding (8)	Remarks (9)
18	01 01015 0070 0020 881 3	Cosmi, Dominica Cosmi, Michael Cosmi, Nicola Cosmi, Joseph 374 Main St. West	212.53	410.92	.00	.00	623.45	Quon & Associates - Trustee
18	01 01015 0070 0020 881 4 05	Cosmi, Dominica Cosmi, Michael Cosmi, Nicola Cosmi, Joseph 374 Main St. West	137.28	228.95	.00	.00	366.23	Quon & Associates - Trustee
18	01 01015 0220 0020 881 2 17	Cosmi, Dominica Cosmi, Michael Cosmi, Nicola Cosmi, Joseph 374 Main St. West	241.98	712.88	.00	.00	954.86	Quon & Associates - Trustee

City of Hamilton
Treasury

CATEGORY "C" - ADVISED BY TRUSTEE
BANKRUPTCY/RECEIVERSHIP
NO FUNDS AVAILABLE FOR DISTRIBUTION

SCHEDULE B - OUTSTANDING BUSINESS TAX ACCOUNTS RECOMMENDED FOR WRITE-OFF IN 1990

Item Number (1)	Business Serial Number (2)	Name and Business Address (3)	Prior Years Penalty & Interest (4)	Prior Years Arrears (5)	Current Years Penalty & Interest (6)	Current Years Arrears (7)	Taxes Outstanding (8)	Remarks (9)
18	01 01015 0220 0020 881 3	Cosmi, Dominica Cosmi, Michael Cosmi, Nicola Cosmi, Joseph 374 Main St. West	346.91	671.07	.00	.00	1,017.98	Quon & Associates - Trustee
18	01 01015 0220 0020 881 4 05	Cosmi, Dominica Cosmi, Michael Cosmi, Nicola Cosmi, Joseph 374 Main St. West	63.96	121.00	.00	.00	184.96	Quon & Associates - Trustee
50	02 01530 0790 0080 881 2 95	The Retail Store Ltd. T/A What's Nu 99 Wyndham St. North Guelph, Ontario	55.65	199.46	.00	.00	255.11	Peat Marwick Ltd. - Trustee
56	02 01810 3220 0020 881 2 17	Curwen, Cathleen Six Different Ways 1053 Maplehurst Ave. Burlington, Ontario	65.12	236.84	.00	.00	301.96	Scott & Pichelli Ltd. - Trustee

City of Hamilton
Treasury

CATEGORY "C" - ADVISED BY TRUSTEE
BANKRUPTCY/RECEIVERSHIP
NO FUNDS AVAILABLE FOR DISTRIBUTION

SCHEDULE B - OUTSTANDING BUSINESS TAX ACCOUNTS RECOMMENDED FOR WRITE-OFF IN 1990

Item Number (1)	Business Serial Number (2)	Name and Business Address (3)	Prior Years Penalty & Interest (4)	Prior Years Arrears (5)	Current Years Penalty & Interest (6)	Current Years Arrears (7)	Taxes Outstanding (8)	Remarks (9)
56	02 01810 3220 0020 881 2 94	Curwen, Cathleen Six Different Ways 1053 Maplehurst Ave. Burlington, Ontario	33.88	123.36	.00	.00	157.24	Scott & Pichelli - Trustee
56	02 01810 3220 0020 881 3 01	Curwen, Cathleen Six Different Ways 1053 Maplehurst Ave. Burlington, Ontario	116.56	536.85	.00	.00	653.41	Scott & Pichelli - Trustee
89	04 03155 5160 0040 882 2 04	Barry Willis T/A The Royal Coachman Fly Fishing Shoppe 209 Kenilworth Ave. N.	105.75	338.37	.00	.00	444.12	Dunwoody Limited - Trustee
89	04 03310 1300 0020 881 2	Barry Willis T/A The Royal Coachman Fly Fishing Shoppe 209 Kenilworth Ave. N.	135.87	369.65	.00	.00	505.52	Dunwoody Limited - Trustee

City of Hamilton
Treasury

CATEGORY "C" - ADVISED BY TRUSTEE
BANKRUPTCY/RECEIVERSHIP
NO FUNDS AVAILABLE FOR DISTRIBUTION

SCHEDULE B - OUTSTANDING BUSINESS TAX ACCOUNTS RECOMMENDED FOR WRITE-OFF IN 1990

Item Number (1)	Business Serial Number (2)	Name and Business Address (3)	Prior Years Penalty & Interest (4)	Prior Years Arrears (5)	Current Years Penalty & Interest (6)	Current Years Arrears (7)	Taxes Outstanding (8)	Remarks (9)
118	05 04810 3400 0110 851 5 17	496044 Ontario Ltd. Electro-Tech 319 Nash Rd. N., U.3	998.80	1,452.83	.00	.00	2,451.63	Scott & Pichelli Ltd. - Trustee
118	05 04810 3400 0115 851 5 17	496044 Ontario Ltd. Electro-Tech 319 Nash Rd. N., U.3	13.20	19.50	.00	.00	32.70	Scott & Pichelli Ltd. - Trustee
118	05 04810 3400 0115 851 6 03	496044 Ontario Ltd. Electro-Tech 319 Nash Rd. N., U.3	1.46	1.42	.00	.00	2.88	Scott & Pichelli - Trustee
132	07 06740 6760 0020 862 4 17	Lane, Tracy 129 East 23rd Street	151.36	275.44	.00	.00	426.80	Quon & Associates - Trustee

City of Hamilton
Treasury

CATEGORY "C" - ADVISED BY TRUSTEE
BANKRUPTCY/RECEIVERSHIP
NO FUNDS AVAILABLE FOR DISTRIBUTION

SCHEDULE B - OUTSTANDING BUSINESS TAX ACCOUNTS RECOMMENDED FOR WRITE-OFF IN 1990

Item Number (1)	Business Serial Number (2)	Name and Business Address (3)	Prior Years Penalty & Interest (4)	Prior Years Arrears (5)	Current Years Penalty & Interest (6)	Current Years Arrears (7)	Taxes Outstanding (8)	Remarks (9)
132	07 06740 6760 0020 862 5	Lane, Tracy 129 East 23rd Street	73.44	115.14	.00	.00	188.58	Quon & Associates - Trustee
		TOTAL CATEGORY "C"	6,354.67	13,268.32	.00	.00	19,622.99	

City of Hamilton
Treasury

WARD SUMMARY OF OUTSTANDING BUSINESS TAX ACCOUNTS RECOMMENDED FOR WRITE-OFF IN 1990

<u>Ward</u> <u>(1)</u>	<u>Penalty & Interest</u> <u>(2)</u>	<u>Prior Year</u> <u>Arrears</u> <u>(3)</u>	<u>Penalty & Interest</u> <u>(4)</u>	<u>Current Year</u> <u>Arrears</u> <u>(5)</u>	<u>Taxes</u> <u>Outstanding</u> <u>(6)</u>	<u>Number</u> <u>Accounts</u> <u>(7)</u>
01	5,908.86	19,099.52	.00	.00	25,008.38	21
02	8,728.45	29,139.14	.00	.00	37,867.59	38
03	646.75	3,279.94	.00	.00	3,926.69	14
04	1,664.64	5,436.37	.00	.00	7,101.01	25
05	4,856.77	15,390.96	.00	.00	20,247.73	25
06	230.85	644.24	.00	.00	875.09	3
07	2,460.70	6,837.46	.00	.00	9,298.16	13
08	1,127.62	3,464.23	.00	.00	4,591.85	5
TOTAL	25,624.64	83,291.86	.00	.00	108,916.50	144
	=====	=====	=====	=====	=====	=====

1990 September 24

TAB/ce

5d.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1990 September 27

REPORT TO: Mr. J. D. Thompson, Secretary
Finance and Administration Committee

FROM: Mr. E. C. Matthews
Treasurer

SUBJECT: Proposed resolutions - RE: BUSINESS TAXES

RECOMMENDATION:

1. That the following resolution be adopted by City Council and forwarded to the Federation of Canadian Municipalities (F.C.M.) for action:

WHEREAS the present system of municipal taxation of business assessment is costly and difficult to administer; and

WHEREAS under the present legislation, municipalities rank as unsecured creditors with respect to claims for outstanding business taxes in bankruptcies or insolvencies; and

WHEREAS there is no assured collection mechanism or effective recourse for unpaid business taxes, municipalities suffer significant losses in municipal tax revenues through the write-off of uncollectible accounts;

THEREFORE BE IT RESOLVED that the Federation of Canadian Municipalities be requested to petition the Federal Government for an amendment to the Bankruptcy Act which would improve a municipalities present ranking as an unsecured creditor to that of a secured creditor in bankruptcies and insolvencies.

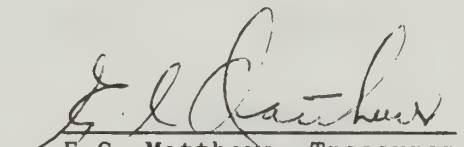
2. That the following resolution be adopted by City Council and forwarded for endorsement to all municipalities in the Province of Ontario with populations in excess of 50,000 and that this resolution also be forwarded to the Association of Municipalities of Ontario (A.M.O.) for action.

WHEREAS the present system of municipal taxation of business assessment is costly and difficult to administer; and

WHEREAS under the present legislation municipalities rank as unsecured creditors with respect to claims for outstanding business taxes in bankruptcies or insolvencies; and

WHEREAS there is no assured collection mechanism or effective recourse for unpaid business taxes, municipalities suffer significant losses in municipal tax revenues through the write off of uncollectible accounts;

THEREFORE BE IT RESOLVED that the Province of Ontario, through the Association of Municipalities of Ontario, be requested to abolish the current business tax assessment system and replace it with a system which would be less costly to administer and provide municipalities with the same recourse for collection as that afforded realty taxes.


E.C. Matthews, Treasurer

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

BACKGROUND:

The present system of business tax assessment is both costly and awkward to administer. In addition to the staff and/or agency costs of collection, a significant amount of municipal revenues is lost through the write off of accounts which cannot be collected due to the following reasons:

- Bankruptcies occur where there are no assets or insufficient assets available to satisfy creditors claims.
- Limited Companies cease to operate under the existing Corporate name but may continue to operate with the same principals under a different Corporate name. Judgements may be awarded through the Courts for the amounts owing but collection may not be possible because of the limited liability of the principals and the Company may have no assets available to satisfy the debt.
- Companies cease to operate and the owner/s cannot be located.
- Some accounts are too small for litigation.

There is no assured collection mechanism for business taxes as there is with realty taxes. In the case of realty taxes, the outstanding amount is secured because it represents a lien on the property and the municipality can take measures to collect under the tax registration procedures.

Mr. J. D. Thompson, Secretary
Finance and Administration Committee
1990 September 27 - Page 3

With respect to business taxes, in cases of bankruptcies or insolvencies, the Bankruptcy Act, which is Federal Legislation, recognizes claimants as either secured or unsecured creditors and unsecured creditors are classed as either preferred, ordinary or deferred. At the present time, the City ranks as an unsecured creditor with respect to claims for outstanding business taxes and while we are in the preferred category, we rank fifth in order of priority in claims after payment of the trustee and bankruptcy expenses, funeral expenses, and wages, salaries, and commissions.

With respect to the remaining business tax accounts, the present system is both costly and difficult to administer and there is no assured collection mechanism available as there is for realty taxes. Under our present collection procedures, after the original billing, reminder notices are forwarded to the business and the account is turned over to the Collection Agency if it remains unpaid. Although the Agency uses means such as small claims court, seizure of bank accounts, seizures of cash in registers, etc., the account may ultimately be written off as uncollectible for the reasons noted above.

In my opinion, the present system of business tax assessment should be abolished and replaced by a system which would be less costly to administer, and also reduce the losses in municipal revenues which are occurring through the write off of uncollectible accounts. It should also provide municipalities with the same assurance of collectability as that afforded realty taxes under the provisions of the Municipal Act.

Accordingly, I am submitting the above resolutions for your consideration which I would recommend be forwarded to City Council for approval.

c.c. Ms. P. Noé Johnson, City Solicitor

FOR ACTION

5e.

REPORT TO: Mr. J. D. Thompson
Secretary, Finance and
Administration Committee

FROM: Mr. T. A. Bradbury
Supervisor of Taxation

DATE: 1990 September 13

COMM FILE:

DEPT FILE: 10ST-TX00

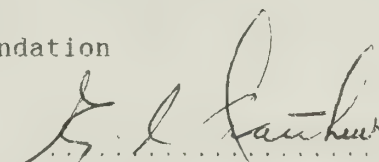
SUBJECT: TAX APPLICATIONS PROCESSED UNDER SECTION 496(a) OF THE
MUNICIPAL ACT IN ACCORDANCE WITH BILL 59 (MUNICIPAL ACT
AMENDMENT) CHAPTER 31 STATUTES OF ONTARIO, 1988

RECOMMENDATION:

That realty and business tax applications processed under Section 496(a) of The Municipal Act in accordance with Bill 59 (Municipal Act Amendment) Chapter 31 Statutes of Ontario, 1988 in the amount of \$16,889.94 be approved and charged to CH53307-24104 Tax Remissions.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

See above recommendation


Treasurer

BACKGROUND:

On June 8, 1988 Section 15 of Bill 59 received Royal Assent. This section provides for the Municipality a means whereby **Municipal Councils may approve tax refunds due to clerical errors in the Assessment Roll.** The period for application is limited to two years preceding the date of application.

Such applications are only valid and therefore may only be heard and approved by Council providing that certain prior conditions are met; most importantly that all **applications must be confirmed and approved by the Regional Assessment Commissioner.**

As much as the Regional Assessment Commissioner has confirmed and approved these appeals, it is felt that the above recommendation is justified.

City of Hamilton
Treasury

'496(a)' APPLICATIONS

A - Out of Business	E - Overcharged (Clerical Error)
B - Reduced Space	F - Undercharged (Clerical Error)
C - Fire, Demolition, Otherwise	G - Tax Exempt
D - Mill Rate Conversion	

Application Number	Roll Number	Appeal Year	Reason for Appeal	Tax Cancellations
(1)	(2)	(3)	(4)	(5)
<u>REALTY</u>				
00312	010 1035 1230	1987	G	\$ 3,273.14
00313	030 2050 6300	1988	C	.00
00314	030 2060 2020	1988	C	442.26
00318	010 0440 1030	1988	C	25.73
00320	060 5930 1149	1988	E	.00
00321-A	010 0210 2340	1988	E	342.82
10133	020 1540 0880	1989	E	\$ 1,666.66
10134	070 8820 0460	1989	D	260.26
10138	040 3325 6410	1989	E	15.30
10139	040 3325 6410	1989	D	241.56
10140	040 3325 6410	1989	D	782.32
10141	050 3610 0910	1989	C	441.00
10142	081 0410 1050	1989	G	<u>5,021.22</u>
				<u>\$12,512.27</u>
<u>BUSINESS</u>				
00315	020 1550 2650 0020 891 2 17	1988	A	1,267.07
00316	050 4610 0040 0060 891 2 03	1988	A	263.52
00317	050 4610 0040 0061 891 2 03	1988	A	56.12
00319	030 2375 0880 0180 881 2	1988	A	566.79
00321	010 0210 2340 0010 881	1988	E	209.46
00322	010 0110 8020 0040 882 2 01	1988	A	2,013.72
00323	050 4010 8800 0020 901 1	1988	E	<u>.00</u>
				<u>\$ 4,376.68</u>
TOTAL				<u>\$16,888.95</u> =====

1990 August 30

DW/ce

6.

CORPORATION OF THE CITY OF HAMILTON
MEMORANDUM

TO: Chairman and Members
Finance and Administration Committee

YOUR FILE:

FROM: Mr. John Thompson, Secretary
Finance & Administration Committee

OUR FILE:
PHONE: 546-2747

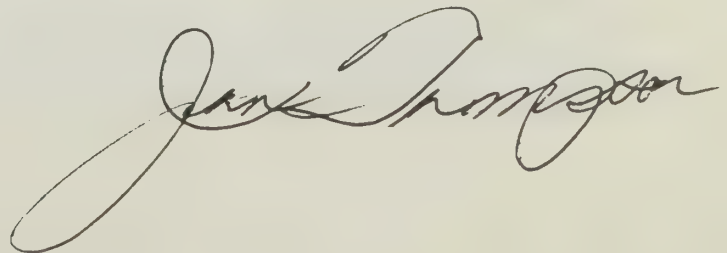
SUBJECT: **DISASTER RELIEF FUNDS**

DATE: 1990 September 17

Subjoined is a copy of Section 10 of the Fourteenth Report of the Finance Committee adopted by City Council at its meeting held 1985 August 27.

10. (a) That the following requests for donations to various disaster relief funds be forwarded to the Regional Municipality of Hamilton-Wentworth for its consideration:
- (i) Correspondence requesting the support of municipalities exceeding 50 000 in population to support the donation by the City of Gloucester to the Canadian Red Cross for the victims of the May 31, 1985 tornado in Southern Ontario;
 - (ii) Correspondence requesting a donation to the Essex County Flood Disaster Relief Committee for the victims of the flooding by Lake St. Clair, Detroit River and Lake Erie Watershed in April 1985.
- (b) That a policy be established authorizing City staff to refer similar requests for assistance, in kind or financially, to disaster relief funds to the Regional Municipality of Hamilton-Wentworth for its consideration.

Alderman Don Ross has requested that this matter be reviewed by the Finance and Administration Committee.



7.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1990 September 28

REPORT TO: Mr. J. D. Thompson, Secretary
Finance and Administration Committee

FROM: Mr. Mark Mascarenhas, General Manager
Municipal Non-Profit (Hamilton) Housing Corporation
on behalf of the Ontario Non-Profit Housing Association

SUBJECT: 1990 ONTARIO NON-PROFIT HOUSING ASSOCIATION
CONFERENCE, NOVEMBER 6 - 9, 1990, HAMILTON

RECOMMENDATION:

1. That \$7,700.00 be provided for civic hospitality during the Ontario Non Profit Housing Association Conference to be held in the City of Hamilton at the Hamilton Convention Centre from November 6 to 9, 1990.
2. That this expenditure be charged to account CH55307-80040 - Hosting of Conferences with Municipal Subject Content.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

See above amount in Recommendation No. 1.

I have obtained the concurrence of the Treasurer that this account would be appropriate for the charge.

BACKGROUND:

The Ontario Non-Profit Housing Association represents municipal non-profit and private non-profit housing organizations in Ontario.

The 1990 Conference hosted by the Association will be held at the Hamilton Convention Centre on November 6-9, 1990. A minimum of 650 delegates are expected to attend. The Municipal Non-Profit (Hamilton) Housing Corporation is a co-sponsor of this conference. The theme of the Conference this year is "After the Ribbon is Cut.....", an overview of housing property management.

The Conference is expected to generate significant spin-off benefits to the community at large. All hotels have been booked and tours of the City have been arranged.

The Ontario Non-Profit Housing Association (ONPHA) is seeking a grant from the City of Hamilton to cover some of the conference expenses. The ONPHA would also like the City of Hamilton to host a welcome reception on the first evening, Tuesday, November 6, 1990.

The intended use of a City of Hamilton contribution to this conference is as follows:

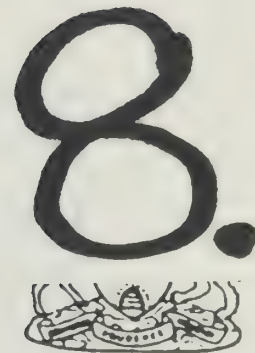
Welcome Reception & Hospitality at the Convention Centre	\$ 6,000.
Buses for Tours, Transportation to Carmens -	1,100.
Pins from City of Hamilton (.87 cents each)	<u>600.</u>
Total	<u>\$ 7,700.</u>



Dominic Agostino

Alderman — Ward 5
Regional Councillor

City Hall, 71 Main Street West
Hamilton, Ontario L8N 3T4
Tel. 546-2730 • Res. 574-0179
Fax 546-2095



1990 August 22

AUG 24 1990

Mr. J. Thompson, Secretary,
Finance & Administration Committee

Dear John:

Can you please add the attached letter from Mr. J. Parente, to the agenda for the next Finance & Administration Committee meeting as I would like the Committee to pass a resolution asking the Ministry of Transport to consider the implementation of license suspension as part of the penalty for unauthorized dumping of debris by truckers.

Please advise me as to the confirmation of this on the agenda.

Yours sincerely,

Dominic Agostino, Alderman,
Ward 5

DA:tb

c.c. Patrice Noe-Johnson,
City Solicitor

The Corporation of the City of Hamilton

BY-LAW NO. 84- 35

To Provide For:

MAINTAINING LAND IN A CLEAN AND CLEAR CONDITION

WHEREAS section 210 of The Municipal Act, R.S.O. 1980, Chapter 302, provides as follows:

210. 74. For requiring and regulating the filling up, draining, cleaning, clearing of any grounds, yard and vacant lots and the altering, relaying or repairing of private drains.

76. For prohibiting the throwing, placing or depositing of refuse or debris on private property or on property of the municipality or any local board thereof without authority from the owner or occupant of such property.

77. For making any other regulations for sewage or drainage that may be considered necessary for sanitary purposes.

129. For prohibiting, or regulating and inspecting the use of any land or structures within the municipality or any defined area or areas thereof for dumping or disposing of garbage, refuse, or domestic or industrial waste of any kind.

- (a) A by-law under this paragraph,
 - (i) may establish a schedule of fees chargeable upon inspection of such regulated land or structures,
 - (ii) may require the owners, lessees or occupants of such land or structures, at the expense of the owners, lessees or occupants, to cease using

such land or structures for such purposes, or to cover over any garbage, refuse, or domestic or industrial waste in any prescribed manner, whether or not such land or structures were so used before the passing of the by-law,

(iii) may define industrial or domestic waste.

(b) A by-law under this paragraph does not apply to the use of any land or structure by a municipality.

130. For prohibiting or regulating and inspecting the use of any land or structures for storing used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or other disposal.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. In this by-law,

(a) "commissioner" means the Building Commissioner;

(b) "city" means The Corporation of the City of Hamilton;

(c) "domestic waste" means any article, thing, matter or any effluent belonging to or associated with a house or household or concerning or relating to the home or family that appears to be waste material; and for greater certainty, but not so as to restrict the generality of the foregoing terms of this clause it is hereby declared that domestic waste extends to the following classes of waste material:

1. Accumulations, deposits, leavings, litter, remains, rubbish, trash;

2. Refrigerators, freezers or other appliance, any attached hinges or latching, locking or other closing mechanism or device;

3. Furnaces, furnace parts, pipes, fittings to pipes, water or fuel tanks;

4. Inoperative motor vehicles, vehicle parts and accessories.
5. Paper, cartons;
6. Furniture;
7. Crockery;
8. Sewage;

(d) "industrial waste" means any article, thing, matter or any effluent belonging to or associated with industry or commerce or concerning or relating to manufacture or concerning or relating to any trade, business, calling or occupation that appears to be waste material; and for greater certainty, but not so as to restrict the generality of the foregoing terms of this clause it is hereby declared that industrial waste extends to the following classes of waste material:

1. Articles, things, matter, effluent which in whole or in part or fragments thereof, are derived from or are constituted from or consist of,
 - (a) agricultural, animal, vegetable, paper, lumber, or wood products, or
 - (b) mineral, metal, or chemical products,whether or not the products are manufactured or otherwise processed;
2. Automotive parts, inoperative vehicles, vehicle parts, mechanical equipment, mechanical parts, accessories or adjuncts to the vehicles and mechanical equipment;
3. Piping, tubing, conduits, cable and fittings or other accessories, or adjuncts to the piping, tubing, conduits or cable;
4. Containers of any size, type or composition;
5. Material resulting from, or as part of, construction or demolition projects;
6. Rubble, inert fill;
7. Bones, feather, hides;
8. Sewage;

- (e) "inoperative motor vehicle" means a vehicle having missing parts, including tires or damaged or missing glass or deteriorated or removed metal adjunctions, which prevent its mechanical function;
- (f) "inspector" means a person appointed under By-law No. 81-224;
- (g) "owner" means an owner, lessee or occupant;
- (h) "private drain" means a drain or sewer or part thereof situate on private property;
- (i) "region" means The Regional Municipality of Hamilton-Wentworth;
- (j) "sewage" includes any liquid waste containing human, vegetable, or mineral matter, waste that is in suspension whether domestic or industrial or any other waste whether in suspension or precipitated, but does not include roof water or storm run-off;
- (k) "waste material" means material or effluent that, in the opinion of the commissioner or an inspector,
 - (i) appears to have been cast aside or discarded or abandoned; or
 - (ii) appears to be worthless or useless or of no practical value; or
 - (iii) appears to be used up, in whole or in part, or expended or worn out in whole or in part.

2. (1) Every owner, lessee or occupant shall keep his grounds, yard, or vacant land filled up, drained, clean or cleared up.

(2) Every owner, lessee or occupant shall keep in repair his private drain.

(3) Every owner, lessee or occupant shall alter or relay the private drain as may be required by the commissioner.

(4) For the purpose of subsection 2(1), "clean or cleared up" includes the removal of weeds or grass more than eight inches in height.

3. (1) No person shall throw, place or deposit refuse or debris on private property without the written authority of the owner or occupant of the property.

(2) No person shall throw, place or deposit refuse or debris on city property or regional property without the written authority of the city or region and where such property is occupied by a person other than the owner, without the written authority of the occupant.

4. Every owner, lessee or occupant shall provide for the sanitary disposal of sewage and drainage from his land or buildings.

5. (1) Except as provided in section 3 and in subsection 4, every owner, lessee or occupant shall keep his land free and clear of all garbage, refuse or domestic or industrial waste of any kind.

(2) No person shall use any land or structure within the city for dumping or disposing of garbage, refuse, or domestic or industrial waste of any kind.

(3) Subsections 1 and 2 do not apply to,

(a) land or structures used by the city or the region used for the purpose of dumping or disposing of garbage or refuse, or domestic or industrial waste;

(b) land designated by by-law of the city or region for the purpose of dumping or disposing of garbage or refuse, or domestic or industrial waste.

(4) Every owner, lessee or occupant shall cover over any garbage, refuse, domestic waste of any kind or industrial waste of any kind in such a manner as may be prescribed by the commissioner in writing.

6. Except as provided in The City of Hamilton Licensing Code, 1979, no person shall use any land or structure in the city for storing used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or other disposal.

7. (1) The commissioner or an inspector may, by notice sent by registered post served on the owner, lessee or occupant of the land or structure, require the owner, lessee or occupant within the time specified with the notice,

- (a) to keep his private drains in repair;
- (b) to alter or relay his private drains;
- (c) to provide for the sanitary disposal of sewage and drainage from his land or structure;
- (d) to clean, clear or remove from the land or structure garbage, refuse or domestic or industrial waste of any kind;
- (e) to cease using the land or structure for the dumping or disposing of garbage, refuse, or domestic or industrial waste of any kind;
- (f) to cover over, screen, shield or enclose the garbage, refuse or the domestic or industrial waste in the manner prescribed by the commissioner.

(2) Every notice sent by the commissioner shall identify the land or structure.

(3) Every notice to an owner or lessee shall be sent to the address shown on the last revised assessment roll or to the last known address.

(4) Every notice sent to an occupant shall be to the address of the land or structure or to the last known address of the occupant.

8. (1) The commissioner or an inspector may inspect the use of any land or structure for the purpose of determining whether,

- (a) the land or structure is used for dumping or disposing of garbage, refuse or domestic or industrial waste of any kind;

- (b) the land or structure is used for the storing of used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or disposal;
- (c) the owner, lessee or occupant has complied with any notice sent by the commissioner or an inspector.

(2) Every owner, lessee or occupant shall permit the commissioner or an inspector to inspect the land or structure for the purpose of subsection 1.

9. (1) Where the owner, lessee or occupant is in default of doing the matter or thing required to be done under this by-law, the commissioner may,

- (a) fill up, drain, clean or clear up the grounds, yard or vacant land;
- (b) repair the private drain or alter or relay the private drain;
- (c) remove refuse or debris;
- (d) provide for the sanitary disposal of sewage and drainage;
- (e) remove garbage, refuse or domestic or industrial waste;
- (f) cover over, screen, shield or enclose domestic or industrial waste;
- (g) remove used motor vehicles stored for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or other disposal.

(2) Where any of the matters or things are removed in accordance with subsection 1, the matters or things may be immediately disposed of by the commissioner.

(3) The city shall recover the expense in doing a matter or thing referred to in subsection 1 by action, or in like manner as municipal taxes.

10. Every owner, lessee or occupant who contravenes any provision of this by-law, is guilty of an offence and liable to a fine of not more than \$2,000 upon conviction.

11. By-law No. 68-360, as amended by By-laws Nos. 73-39, 74-105, 74-118, 78-212, 81-218 and 83-13, is repealed.

12. The short title of this by-law is the Waste Materials By-law, 1984.

PASSED this 14th day of February A.D. 1984.


City Clerk


Mayor

(1983) 19 R.P.D.C. 12(a), September 28



9.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1990 September 12

REPORT TO: Mr. J. D. Thompson, Secretary
Finance and Administration Committee

FROM: Mrs. S. Glover, Secretary
Taxi Advisory Committee

SUBJECT: Illuminated Roof Signs for Taxi Cabs

RECOMMENDATION:

1. That Licensing By-law #79-323, as amended, be further amended to provide for rooftop advertising on taxi cabs.
2. That the City Solicitor be authorized and directed to prepare a By-law to amend Licensing By-law #79-323 for submission to City Council to reflect this provision for rooftop advertising.



S. Glover, Secretary
Taxi Advisory Committee

BACKGROUND:

Attached for the information of the Finance & Administration Committee is a copy of a draft By-law which was reviewed and approved by the Taxi Advisory Committee at its meeting held 1990 September 11. It is therefore recommended that this By-law be presented to City Council concurrently with the above recommendations for approval.

cc: Alderman D. Drury, Chairman
Taxi Advisory Committee
Mr. R. Sabo, City Solicitor's Office
Mr. S. Dembe, Licence Division Manager

D R A F T
FOR DISCUSSION PURPOSES
ONLY

CITY SOLICITOR
THE CITY OF HAMILTON

Bill No.

The Corporation of the City of Hamilton

BY-LAW NO. 90-

To Amend:

Licensing By-law No. 79-323

As Amended by By-law Nos. 89-249 and 89-316

Respecting:

ILLUMINATED ROOF SIGN FOR TAXI-CABS

WHEREAS paragraph 1 of Section 227 of the Municipal Act, R.S.O. 1980, c. 302 provides that the council of a municipality may pass by-laws for licensing, regulating and governing owners and drivers of vehicles used for hire or any class or classes thereof, and for limiting the number of vehicles used for hire, or any class or classes thereof;

AND WHEREAS By-law No. 79-323 was passed on the 27th day of November 1979 to establish "The City of Hamilton Licensing Code, 1979";

AND WHEREAS Schedule 4 to Licensing By-law No. 79-323 licenses, regulates and governs taxi-cabs;

AND WHEREAS By-law No. 89-249 was passed on the 29th day of August 1989 to amend and consolidate Schedule 4 to Licensing By-law No. 79-323;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Item -- of the ---- Report of the Finance and Administration Committee, at its meeting held on the ---- day of ----- 1990, directed that Licensing By-law No. 79-323, as amended, be further amended to provide for rooftop advertising as hereinafter provided.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. (1) Paragraph 19 of section 12 of Schedule 4 to Licensing By-law No. 79-323 is revoked, and the following substituted therefor as Paragraph 19 :

- 19.(1) Subject to sub-paragraph (2), display or permit to be displayed no advertisement on or in the taxi-cab except,
 - (a) Subject to sub-paragraph 19(3), one exterior painted advertisement measuring not more than 16 centimetres by 92 centimetres in size, provided that said advertisement is painted on the rear end of the vehicle, and placed thereon in such a way as to not obscure the licence plates or the vision of the driver,
 - (b) not more than five interior advertising signs or placards, each not exceeding 26 centimetres by 31 centimetres in size, placed on the back of the front seat in such a way as to not obscure the vision of the driver

and the photo identity card, licence and tariff card; and

- (c) subject to sub-paragraph 19(3), one rooftop mounted sign with interior illumination, provided that the sign does not exceed 122 centimetres in length, 79 centimetres in width, and 46 centimetres in height, and is securely mounted to the vehicle, and provided further that if the said rooftop sign obstructs any taxi roof sign required under paragraph 10 of section 12 of this Schedule, the vehicle shall have visible, from the front and rear of the vehicle, a rooftop sign with the same content as that required under the said paragraph 10, indicating that the vehicle is a taxi-cab.

- (2) The following types of advertisements shall not be permitted on taxi-cabs,

- (a) advertisements depicting beer or liquor products, except insofar as said products are referred to in a public or community service advertisement warning of the dangers of these products, provided that if said public or community service advertisements are sponsored by a company that produces beer or liquor products, the advertisement shall not endorse or promote use of products of the sponsoring company,
- (b) advertisement of any product that is deemed by the Licensing Committee of the City of Hamilton to be inappropriate for the operation of a taxi-cab; and having regard to the standards outlined in the most current edition of The Canadian Code of Advertising Standards, published by The Canadian Advertising Foundation, or its successors.

- (3) Where rooftop advertising is displayed on a taxi-cab under the provisions of this section, all other advertising displayed on the exterior of the vehicle must be removed when the vehicle is repainted, except where said rooftop advertising sign only advertises a taxi brokerage.

2. In all other respects, Licensing By-law No. 79-323, as amended, is hereby confirmed, unchanged.

PASSED this day of A.D. 1990.

City Clerk

Mayor

CITY OF HAMILTON
- INFORMATION -

10a.

DATE: 1990 September 27

REPORT TO: Mr. J. D. Thompson, Secretary
Finance and Administration Committee

FROM: Mr. D.K. Beattie
Grants Co-Ordinator

SUBJECT: CONVENTION/RECEPTION GRANT APPEAL - ONTARIO MUSIC
EDUCATORS ASSOCIATION

BACKGROUND:

Within the Convention/Reception Grant policy, the Grants Review Group is authorized to process Convention/Reception grants by applying the funding formula of \$4 per participant to a maximum of \$1,500.00 to all qualified applications. The policy allows for an appeal of this calculated grant amount to the Finance and Administration Committee, should the applicant disagree with this amount.

The Ontario Music Educators Association Inc. submitted a Convention/Reception Grant application for their upcoming Hamilton conference November 15-17, 1990 in the amount of \$5,000. In accordance with the policy the Grants Review Group recommended the maximum amount allowed of \$1,500. The applicant has requested an appeal of this grant.

Attached are the application and supporting material.

There are funds available within the Convention/Reception Grant allocation to provide for any additional grant funds above and beyond the recommended \$1,500 grant as a result of the appeal.



attachs.

THE CORPORATION OF THE CITY OF HAMILTON

APPLICATION FOR CONVENTION OR RECEPTION GRANT

Each organization applying for a grant is required to complete this form and forward same to Mr. D. K. Beattie, Grants Co-Ordinator, Treasury Department, City Hall, 71 Main Street West, Hamilton, Ontario, L8N 3T4, (telephone 546-2739).

1. Name, Address and Telephone Number of organization:

Ontario Music Educators' Assoc. Inc.

President: Lodger Beatty

812-523 Portsmouth Ave. Kingston, Ont. (613) 548-7187

Contact Person *Joanne Dardus* Phone No *(416) 664-4854 (B)*
637-6677 (H)

2. Provide a brief history of your organization (Constitution, Charter, By-laws) and indicate if it is incorporated as a non-profit or charitable organization.

Founded in 1919. The oldest continuing music education association in Canada.

*Incorporated as a non-profit organization, 1985
The OMEA is a registered charitable organization.
The number is 0725705-22-110*

3. What are the general objects and/or functions of your organization?

OMEA, through its official journal and other publication stimulates and facilitates communication among all classroom teachers responsible for music instruction and with other musicians, artists, teachers and with the community in Ontario and beyond.

4. Amount of grant request \$ *5,000.00*

NOTE: YOU ARE REQUIRED TO PROVIDE A BUDGET OF YOUR EVENT ALONG WITH THIS COMPLETED APPLICATION.

THE CORPORATION OF THE CITY OF HAMILTON

5. Explain briefly the nature of your event to be held for which you are requesting financial assistance.

*Conference held every 2 years
This is the first time out of Toronto!*

*Stephen Lewis - Keynote Speaker
40 Clinicians from across Canada and the U.S.A.*

6. With respect to your event, answer the following:

(a) How many people will be in attendance?

1400

(b) Of the stated number of people, how many are coming from outside of Hamilton?

90%

(c) What is the date of the event?

Nov. 15, 16, 17, 1990

(d) What is the location of the event?

Hamilton Convention Centre

7. For what reasons does your organization merit the use of public funds for the purpose indicated above?

*Hamilton has the facilities but few knew of them.
Delegates arriving the night before stay and eat in our area. For once to absorb the cost would mean increasing the registration fee thus eliminating some delegates.*

8. What other contributions are being requested or obtained to meet the cost of your event? (Government grants, donations, etc.)

NOTE: YOUR ARE ADVISED THAT CONSIDERATION WILL NOT BE GIVEN TO AN APPLICATION FOR FINANCIAL ASSISTANCE IF A SIMILAR APPLICATION HAS ALSO BEEN SUBMITTED TO THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH AND/OR AN ORGANIZATION THAT RECEIVES A SUBSIDIZED RENTAL RATE FOR USE OF A FACILITY OR FACILITIES UNDER THE JURISDICTION OF THE HAMILTON ENTERTAINMENT AND CONVENTION FACILITIES INC.

None

THE CORPORATION OF THE CITY OF HAMILTON

9. Does your organization provide a service for which a charge is made? Some examples are admission fees, membership fees, and rental charges. If answer is "Yes", give details.

*Membership \$40 a yr.
Conference registration fee*

NOTE: THE GRANTING OF ASSISTANCE IN ANY ONE YEAR IS NOT TO BE INTERPRETED AS A COMMITMENT TO FUTURE YEARS' FUNDING.

10. Will assistance be requested from the City of Hamilton in future years in this respect?
11. List the Executive Officers of your organization.

Name and Title	Address	Telephone Number	
		Business	Home
<i>Rodger Beatty: President</i>	<i>812-523 Portenruech-Kingston</i>		
<i>Sharon Fitzsimmons V.P.</i>	<i>R.R.#1 Midhurst, Ont.</i>	<i>(613) 545-6260</i>	<i>548-7187</i>
<i>Ron Speed Treasurer</i>	<i>125 Brookfield Blvd. Dunnville</i>	<i>(705) 726-6541</i>	<i>722-3717</i>
<i>June 5 1990</i>	<i>JOANNE NAIDUS - CONFERENCE '90 CHAIRPERSON</i>	<i>(416) 774-6033</i>	
Date	Name and Title of Officer Making Application		
	<i>Joanne Naidus</i>		
	Signature of Officer Making Application		
		<i>664-4854 (B)</i>	<i>637-6677 (H)</i>
		Telephone Number	

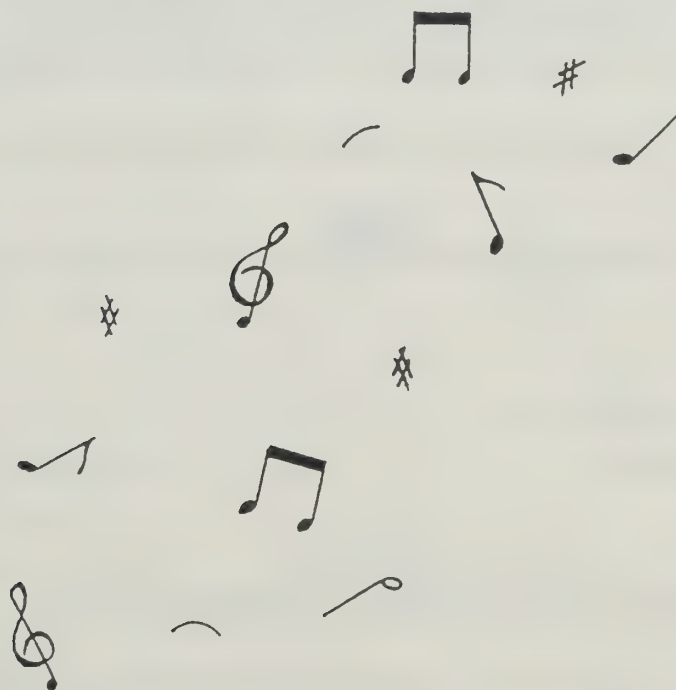
NOTE: PAYMENT OF ANY CONVENTION/RECEPTION GRANT WILL BE MADE AT THE CONCLUSION OF YOUR EVENT AFTER THE ATTACHED REPORT (APPENDIX A - CONVENTION/RECEPTION GRANT SUMMARY REPORT OF THE EVENT) IS COMPLETED AND RETURNED TO THE GRANTS CO-ORDINATOR, (TREASURY DEPARTMENT, CITY HALL, 71 MAIN STREET WEST, HAMILTON, ONTARIO, L8N 3T4). PLEASE ALLOW AT LEAST TWO WEEKS FOR PROCESSING THE PAYMENT.

ONTARIO
MUSIC
EDUCATORS'
ASSOCIATION

Presents

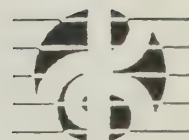
OVERTURE '90

MUSIC FOR THE 21st CENTURY



The Conference in 1990

JOIN US AT THE
HAMILTON CONVENTION CENTRE
NOV. 15-17, 1990



The Overture to

OVERture '90

MUSIC FOR THE 21st CENTURY

November 15th

Thursday Evening – 7:30 p.m.

Hamilton Convention Centre – Room Chedoke A/B

Wine and Cheese Social

sponsored by Corporation of the City of Hamilton

featuring

Don Lewis

TREASURY	
ROUTE	REC'D
E.C.M.	
I.R.H.	
I.W.D.	
N.R.A.	
T.B.	
G.D.	
A.N.	

Don Lewis

Don Lewis has been in the vanguard of the electronic music revolution since its inception and has dazzled audiences worldwide with the virtuosity of his live performances and recordings. Electronic music expert Bernie Krause calls him simply, "The best in the business."

Don Lewis is an extraordinarily talented entertainer who combines the brilliance of a master musician and a master vocalist, with the technical genius of an electronics wizard. Lewis' numerous musical credits include studio work with Quincy Jones, Marvin Hamlisch, The Brothers Johnson, Billy Preston, Sergio Mendez and he consulted on the Michael Jackson Captain Eo film. He has toured with the Beach Boys and performed two years as a soloist at the Newport Jazz Festivals at Carnegie hall. He has also performed as a guest soloist with the Denver Symphony, the Colorado Springs Symphony, the Portland Maine Symphony and the Kansas City Philharmonic.

Don Lewis' appearance compliments of Yamaha Canada



November 16th

Friday Evening Concert – 8 p.m.

Hamilton Place Great Hall

featuring

The Gold Company with Steve Zegree

Gold Company is the award-winning vocal jazz ensemble at Western Michigan University. Gold Company delivers a high-energy show which combines superb contemporary arrangements of popular songs with dynamic choreography. The Gold Company is internationally recognized as one of the top vocal jazz ensembles in the United States. They were the recipient of the Downbeat Magazine's Outstanding Performance Award for college vocal jazz ensembles.

Also appearing:

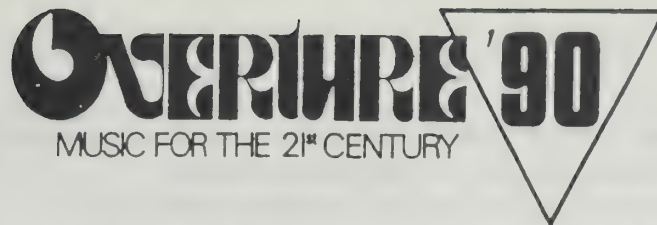
The Amabile Singers

The Hamilton Philharmonic Youth Orchestra

The Hamilton All Star Jazz Band

Coda: Enjoy the Mohawk Jazz Quartet in the Piano Nobile Lounge in Hamilton Place.

Extra tickets available for friends and family. See registration form.



REGISTRATION FORM

Please complete and mail together with your cheque made payable to:
"O.M.E.A. Conference '90". Send to:
O.M.E.A. Conference '90, P.O. Box 186, Guelph, Ontario. N1H 6J9

The conference fee is inclusive for all days and evenings, and includes lunch each day, all clinics and sessions, the Thursday and Friday night concerts, a wine and cheese reception, and a one year membership in O.M.E.A. and C.M.E.A. (8 magazines, ideas, tips and a voice for music education, provincially and nationally). Please check the appropriate registration category:

	<u>FULL CONFERENCE</u>	<u>SATURDAY ONLY</u>
1. Current Members	\$135.00 ()	\$100.00 ()
2. Current Student/Retires	70.00 ()	65.00 ()
3. New/Renewing members	175.00 ()	140.00 ()
4. New/Renewing Student/Retired	90.00 ()	85.00 ()

TEACHING LEVEL

- () Primary () Junior () Senior () Other
() Public School () Separate School () Private School

AREA OF INTEREST

- () Classroom (General) () Vocal () Instrumental () Keyboard
() Other

NAME: _____

ADDRESS: _____

SCHOOL NAME & ADDRESS: _____

BOARD OF EDUCATION: _____

TELEPHONE: (HOME) () _____ (SCHOOL): () _____

Fee Included: \$ _____

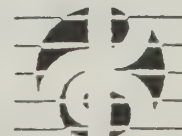
Extra Friday Night

Concert Tickets @ 10.00 ea. _____

EARLY BIRD SPECIAL! DEDUCT \$20.00

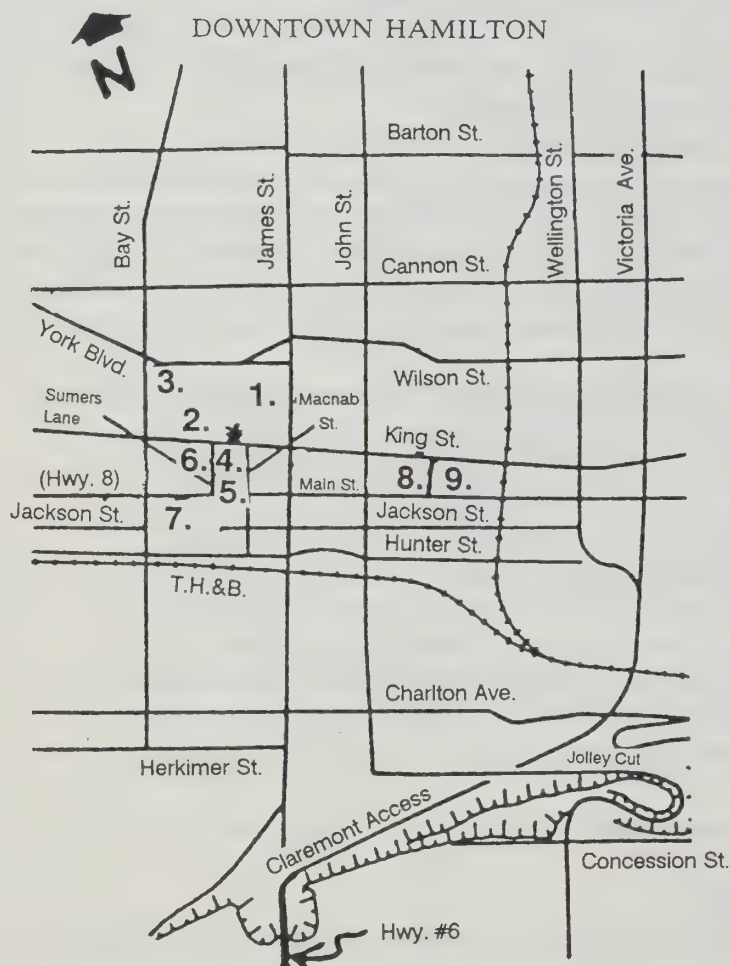
IF YOU REGISTER BY JULY 6, 1990!! (\$ _____)

TOTAL FEE: \$ _____



- * no refunds – Receipts issued upon registration at conference *
- * Remember you will need an instrument for a reading session. Please bring your own.

From the West, East & North: follow Hwy. #403 into Hamilton and take the Main St. E. exit (Main St. E. is also Hwy. #8)
 From the South: Come towards Hamilton on Hwy. #6 into the city.
 Follow signs for Hamilton Convention Centre and/or Hamilton Place.



1. LLOYD D. JACKSON SQUARE

The Square comprises nearly 300 stores which makes a fabulous selection and also features a 14 storey atrium. The square is in the heart of the City and houses the famous Farmers Market.

2. SHERATON HOTEL

The Sheraton Hotel is Hamilton's newest addition to the downtown core which features accommodations, shopping, dining and dancing.

3. COPPS COLISEUM

The Victor K. Copps Trade/Arena "affectionately known as Copps Coliseum" is the latest project of the Downtown Redevelopment Program. Copps Coliseum seats 18,000 and features an NHL ice surface that can expand into an Olympic size ice surface.

4. HAMILTON CONVENTION CENTRE

The Hamilton Convention Centre is a multi-purpose building. The Centre has been the host to conventions, trade-shows, seminars and banquets.

5. HAMILTON PLACE

Hamilton's modern show place for the performing arts. Home of the country's finest symphony orchestra "The Hamilton Philharmonic". The Great hall seats 2000 and the Studio Theatre seats 400.

6. ART GALLERY OF HAMILTON

The Art Gallery of Hamilton houses one of the most outstanding public collections of Canadian, American, British and European art in Canada.

7. HAMILTON CITY HALL

Opened in 1960 at a cost of \$8.3 million. A Georgian marble exterior with interior walls of Italian mosaic. Hand crafted murals highlight the Council Chamber level.

8. ROYAL CONNAUGHT HOTEL

Hamilton's grand hotel featuring accommodations, shopping, dining and dancing.

9. HOLIDAY INN/TERMINAL TOWERS

Two shopping levels, coffee shop, Holiday Inn Hotel, dining and dancing.

*There will be
a free shuttle service
from the
conference
hotels*

Conference rates are available at the following hotels:

Sheraton Hamilton

(416) 529-5515 - Single \$85.00

1-800-325-3535 - Double \$95.00

Royal Connaught

(416) 527-5071 - Single \$79.00

1-800-263-8558 - Double \$89.00

Holiday Inn

(416) 528-3451 - Single \$78.00

1-800-HOLIDAY - Double \$88.00

Admiral Inn

(416) 529-2311 - Single \$49.95

- Double \$59.95

Visitor's Inn

(416) 529-6979 - Single \$58.00

- Double \$65.00

* Please make your own reservations. Inform the hotel that you are a Conference delegate.

** The above prices do not include a 5% room tax or any gratuities.

CONFERENCE SESSIONS

Thursday, November 15 – Hamilton Convention Centre/Chedoke AB

Registration (opens at 6:30 p.m.)

Concert Featuring Don Lewis (7:30 p.m.)

Wine and Cheese Reception

Friday, November 16

Registration (opens at 8:00 a.m.) Exhibits 8:00 a.m. – 5 p.m.

The Inter-Mennonite Children's Choir (at Hamilton Place) – 9 a.m.

Keynote Address by Stephen Lewis (at Hamilton Place)

Band Method – *Bruce Pearson*

Keyboard – *Tim Henry*

P.A. & Mixers – *R. Donmeyer*

Primary and Junior Singing Games and Activities – *Sara Conron*

Research – *Lee Bartel*

Guitar – *J. Snyder*

Administrators and the Arts – *David Spence*

Vocal Jazz (demo) – *Darryl Gillespie*

Special Education – *Lois Birkenshaw Fleming*

Software

Percussion – *Laura Thomas*

Senior Choir – *Donald Neuen*

Junior Music – *Betty Kovacs*

Cedar Glen participants – *reunion*

CORAC – *Panel of Arts Educators*

Orff & Folk Dance – *Carolyn McMillan*

Early Childhood (in French + English) – *Leslie Bricker*

Fundamentals for superior band performance – *Ed Sueta*

Use of AV – *Pauline Weber*

Repairs – *Gary Benesch*

Composing – *Elementary Marcia Loynd*

Kodaly in the Classroom – *Dr. Amanda Montgomery*

Strings for Secondary – *Tak'Ng Lai*

Band Seating Implications – *Robert Gifford*

Elementary Jazz Hints (demo) – *Neil Yorke – Slader*

Basic Voice Training – *Eva Beames*

New Philosophy of Music – *David Elliott*

Musique S'il Vous Plait – *(Ginn)*

Techniques for flute, clarinet, and sax – *Ed Sueta*

Primary / Junior Orff Methods – *Carolyn McMillan*

Intermediate Computer Project – *Brian Alger*

Piano Method – *Joyce Langford*

Music for Video – *George Axon*

Instrumental Jazz – *Laura Thomas*

Journey Into Technology – *Richard Ford*

New Ministry Intermediate / Senior Guidelines – *Paul Higgins*

Junior Visual Arts & Music Integration – *G. Connolly and E. Mavrinac*

O.M.E.A. – *Retiree Reception*

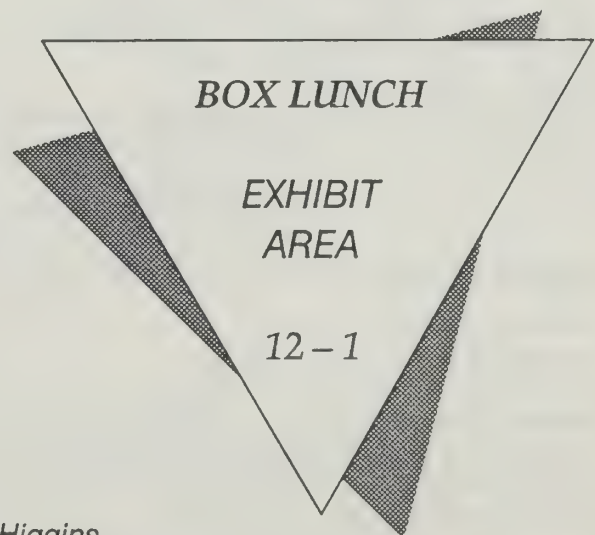
Canadian Listening Series – *Elaine Mason*

Recording Studio – *Greg Roberts*

Canadian Music Centre – *Patricia Green*

Multiculturalism – *Stephen Hatfield*

... And others!



Saturday, November 17

Registration (Opens at 8:00 a.m.) Exhibits 8 a.m. – 3 p.m.
AGM-O.M.E.A. (8:00 a.m.) – *All delegates of Overture '90 are welcome*
Reading Sessions for Junior and Senior Band
Early Music Education – *Kathy Poelker*
Folk Dance (French) – *Francine Bourque-Moreau*
Recorder Basics – *Ed Sueta*
Listening – Secondary – *Marcia Loynd*
Guitar – *Jerry Snyder*
Choral Repertoire for Primary/Junior and French – *Barbara Clark*
Ministry Support Documents – Integrating Technology – *John Grandmont*
The Gold Co. – *clinic by Steve Zegree*
Band Seating Implications – *Robert Gifford*
Keyboard Lab – *Tim Henry*
Special Education – *Lois Birkenshaw Fleming*
Lummi Stick Activities – *Roseanne Shields*
Repairs – *Gary Benesch*
Music Therapy and Special Education – *Oxford Regional Centre*
Band Method – *Bruce Pearson*
Software –
Band Exchange – *Sharon Fitzsimmins*
Visual Arts / Music Integration (Inter.) – *G. Connolly & E. Mavrinac*
Brass Clinic –
Small Group Vocal Programme – *Kelly Janzen*
Folk Dance (English) – *Francine Bourque-Moreau*
Alto Recorder – *Gerry Kirk*
Recording Studio – *Greg Roberts*
Kodaly in the Classroom – *Dr. Amanda Montgomery*
P.A. Mixers – *R. Donmeyer*
Senior Choral Demo – *Donald Neuen*
Canadian Listening Series – *Elaine Mason*
Music for Video – *George Axon*
Mutech – *Barbara Scott*
Multiculturalism – *Stephen Hatfield*

... And others!

Performances:

Hamilton Children's Choir
Elizabeth Bagshaw Bell Ringers
Westwood Ukulele
Pauline Johnson Dulcimer Ensemble
Canadian Youth Synthesizer Orchestra
Westdale Percussion Ensemble
Nelson Dixieland Group
Westdale String Ensemble
Fred's Folk – *Sir Frederick Banting H.S.*
Brantford Suzuki Strings
Vive Le Joie
Madrigal Choir & Band – *Montcalm Secondary School*
Ty-Mac Wind Ensemble – *Agincourt*
Orff Ensemble – *Claude Watson Spring Garden Campus*
Agincourt Collegiate Orchestra and Choir



**LUNCH SERVED IN
CHEDOKE ABC**

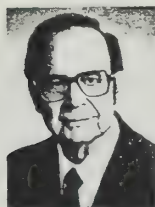
**EXHIBIT
DRAW**

2:30 P.M.



OUR KEYNOTE SPEAKER

Mr. Stephen Lewis was "tickled" to be invited to address music educators at Overture '90 - classifying them as "surely the most civilized of species". He is most remembered as leader of the NDP party and became Official Opposition leader in 1975. Currently he is Special Advisor on Africa following his term as Ambassador of Canada to the United Nations.



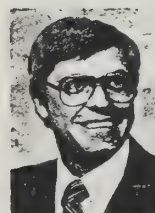
Ed Sueta

Ed Sueta received a B.S. from High Point college and an M.A. from Teachers' College, Columbia University. He has taught instrumental music at all levels, elementary through college. His Recorder Method was developed and refined over a period of twelve years teaching third, fourth and fifth graders. His Band Method and Rhythm Vocabulary Charts are based on the incorporation of the right and left hemispheres of the brain in the development of music reading and performance skills.



Robert M. Gifford

Robert M. Gifford is the Director of Bands at Southeast Missouri State University, Cape Girardeau. He is Co-ordinator of Wind and Percussion and presently serves as President of the 1800-member Missouri Music Educators' Association. He has recently been the guest conductor/clinician/lecturer for the Norwegian National Band Federation, the International Society for the Promotion and Investigation of Wind Music and the 1988 MENC Biennial In service Conference held in Indianapolis, Indiana. Dr. Gifford will demonstrate the various factors affecting band seating and how the adaptation of seating can become a quick and effective solution to many balance, intonation, precision and rehearsal problems.



Bruce Pearson

Bruce Pearson has Master of Arts in Music Education from the University of Northern Colorado and is currently a PHD candidate at the University of Minnesota. His experience is in elementary, junior high and senior high instrumental music. He has presented his innovative ideas and young band teaching techniques in United States, Canada, Great Britain, Australia, Norway, Holland and Japan. He is in demand as a clinician, guest conductor, educator and composer and will demonstrate his "Best in Class Comprehensive Band Method".



Neil Yorke-Slader

Neil Yorke-Slader has been teaching music in Nepean for ten years. He is an accredited adjudicator for Musicfest Canada, and is in demand as a jazz and concert clinician. His teaching experiences have spanned grade 6 to adult, covering strings, winds, keyboard, general music, vocal and co-operative education. His student ensembles have performed at Expo '86, OMEA Showcase '88, the Musicfest '89 Highlights National TV Show, the International Association of Jazz Educators' Annual Convention in New Orleans, among others. At this year's conference, Neil will demonstrate some Elementary Jazz Hints.



Sharon (Sibthorpe) Fitzsimmins

Sharon has been the music director at Barrie North Collegiate for the past eighteen years. Under her direction, the programme has expanded to over 300 students in a variety of performance and non performance classes. The Barrie North Band has travelled and competed across Canada, in the United States and in Scotland. Sharon has been on the Board of Directors of the Canadian Band Directors Association and is presently the Vice-President of the Ontario Music Educators' Association. Sharon's session will focus on the benefits of and the planning for band exchanges.



Lois Birkenshaw Fleming

Lois teaches courses in Music For Children With Special Needs and the Orff approach at Atkinson College, York University and the Royal Conservatory of Music, Toronto. She is the author of many publications. Her newest book is "Come On Everybody Let's Sing." She has given workshops in every province in Canada, twenty-two States in the U.S., in England, France, Austria and South Africa.



Gaiyle J. Connolly

Gaiyle, a graduate of McMaster University has a long and varied background in education. She is bilingual and has taught every grade level in both elementary and secondary panels. For the past eighteen years she has worked mainly in the area of Visual Art. Presently she is the Visual Arts Consultant for the Hamilton - Wentworth Roman Catholic School Board. A firm believer in the integration of the Arts, Gaiyle is delighted to present ways in which art can become a vital part of your music programme.



Donald Neuen

Donald Neuen has been Professor of Conducting and Director of Choral Activities at the Eastman School of Music, Rochester, N.Y., since 1981. His choral experience includes teaching all levels of public school music, directing church, community, and collegiate choruses, and singing professionally with the Robert Shaw Chorale. He has served as guest conductor/clinician/lecturer in over forty states, Canada, Asia, and Europe. Donald's sessions at Overture '90 focus on: "Producing A Great Choral Sound", "Rhythmic Interest, Forward Motion and Phrasing" and "Rehearsal of Three Songs".



Laura Thomas

Laura Thomas is presently the Principal Percussionist of the Niagara Symphony Orchestra (since 1985) and was Director of the Niagara College Jazz Band from 1979 to 1989. Her musical education includes a Bachelor of Music from McMaster University ('86) and a diploma in Applied Music from Mohawk College ('81). Ms. Thomas has been involved in music education through The Niagara Symphony Summer Music School (teacher and music director), The Canadian Stage Band Festival (adjudicator) and through high school coaching and clinics. She has worked with students in percussion and jazz performance, improvisation, jazz interpretation and percussion ensembles.

Stephen Hatfield

Stephen Hatfield, who formerly taught music for the Peel Board of Education is presently a free-lance composer residing in Victoria, B.C.. He has authored many provocative articles for the Recorder magazine including Ears that See and Theory in the Classroom, How and Why to Avoid it! His background is in the theatre and he has a Master's Degree in English and Philosophy. Music was a hobby which blossomed. Stephen is a much sought after music clinician and his focus at Overture'90 is Multiculturalism and Music Education.

Kathy Poelker

Artist Composer Kathy is nationally recognized for her teacher-training workshops and seminars in Early Music Education and for her children's recordings and books. Sponsored by Ginn/GLC Canada, she presents her classroom music methods and techniques in the areas of Song, Movement, Musical Imagery, Music Games, and Dance in the Whole language classroom. Kathy has taught music methods at the college level as well as classroom music for grade JK through 12. Her practical experiences are coupled with her talents to make her workshops dynamic, educational and unforgettable.

Dr. Amanda Montgomery

Amanda received her graduate training from Indiana State and studied at the Kodaly Institute in Hungary. Presently she is on the faculty of the University of Western Ontario where she teaches Kodaly and Elementary Music Education. Dr. Montgomery has taught children in the public schools from grades K-8 and is the author of several articles in Canadian and American journals.

The Amabile Singers

Amabile is Italian for "amiable, with love". This London choir of girls, aged 11 - 20 is under the co-direction of John Barron and Brenda Zadorsky. They have travelled extensively in Canada and Europe, placed twice in a CBC choral competition, and have made a recording of concert highlights.

The Hamilton Philharmonic Youth Orchestra

This group of talented young musicians is under the baton of founding conductor Glenn Mallory, recently retired Co-ordinator of Music for the Board of Education for the City of Hamilton. It is a community orchestra consisting primarily of high school students, who audition for a place in an orchestra that has entertained audiences for over 25 years. The Orchestra has participated in the Canadian Festival of Youth Orchestras in Banff, Alberta, and given world premieres of numerous Canadian works. Graduates play professionally in symphony orchestras from the Maritimes to Victoria, B.C.

The Hamilton All Star Jazz Band

Now in its exciting 7th session, this jazz band has twice been named "Most Outstanding In Their class" at Musicfest Canada Nationals. The group consists of auditioned high school students from Hamilton and surrounding areas, and has appeared at concerts in Vancouver, Calgary, Ottawa, and most recently, The Clark Terry Jazz Festival at the University of New Hampshire. Co-ordinator of Music for the Board for the City of Hamilton, Russ Weil, is band director, and he is assisted by Bill Holinaty.

RECEIVED

SEP 11 1990

CITY CLERKS

10b.

September 5, 1990

Mr. K.E. Avery,
City Clerk
City of Hamilton
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Mr. Avery:

Thank you for giving me this opportunity to write this letter with hopes that a door will be opened for me to make a personal presentation sometime in September.

PREVIOUS PUBLICATION SUCCESS

Several of our staff produced a major publication in 1984 to coincide with Ontario's bicentennial celebrations of that year. **LOYAL SHE REMAINS** was the end result. That publication was officially chosen in 1984 as a prestigious ceremonial gift for both Her Majesty The Queen and His Holiness The Pope....

By 1988, **Heirloom Publishing** had produced the first two volumes of the **CANADA Heirloom Series**. **CANADA From Sea Unto Sea**, Volume I, is introduced by both the Prime Minister and the Governor General. This publication has attracted national acclaim and is today a highly sought out "cultural ambassador" presently being marketed by Encyclopaedia Britannica across Canada.

A companion volume, **CANADA's Native Peoples**, Volume II of the **CANADA Heirloom Series**, is a beautiful publication celebrating native culture and promoting heritage awareness about our first nations. Recently, the **Canada Post Corporation** purchased 5,000 copies of this publication for international distribution.

PLANS FOR 1991

The material I am sending outlines our publication plans for 1991, the 200th anniversary year of the founding of Upper Canada. **ALLEGIANCE: The Ontario Story**, as Volume III of the ongoing **CANADA Heirloom Series**, will be every bit as beautiful and as distinctive as our earlier publications, especially with HRH The Prince Andrew, Duke of York, Lieutenant Governor Lincoln Alexander, and Dr. Daniel G. Hill each writing introductory messages to this distinguished forthcoming publication.

Premier David Peterson has also written a special "Introduction" to **ALLEGIANCE: The Ontario Story** (see enclosures).

ALLEGIANCE may even surpass the success of **LOYAL SHE REMAINS** which sold almost 50,000 volumes in 1984.

SPONSORSHIP

One special chapter in **ALLEGIANCE** is called "Corporate Signatures". It will biographically sketch a number of Canadian businesses, associations and municipalities based in Ontario. Each page constitutes a 450-word vignette capsulizing the origins of a particular business, how it planted seeds in our land and has grown with it. Each story is enhanced, of course, with appropriate illustrations. Such biographical vignettes are a very innovative way for any given corporation to project its corporate image....

Pages of space are purchased at the rate of \$5,500 per with varying discounts. Corporate sponsors get a special discount rate for the purchase of these volumes. They make wonderful gifts for all occasions and when customized with personalized frontispieces I can think of no finer gift for ceremonial use! Gold stamping can be applied to the front cover of each gift for instant recognition of one's logo.

LASTING CONSEQUENCES

Heirloom Publishing Inc. depends upon business establishments and municipalities such as the **City of Hamilton** to support our ongoing endeavours to promote Canada's rich culture and history. By participating, the **City of Hamilton** would be encouraging and supporting "heritage awareness" and identifying with a prestigious publication offering positive and lasting consequences.

The **City of Hamilton** has a profound and colourful history that should be recognized in a timely publication of this nature. Let's not forget, the province has designated 1991-1993 as "The Heritage Years". This occurrence greatly enhances the scope of **ALLEGIANCE** as a gift of lasting application.

CRITICAL TIME FACTOR

Our approach to Ontario municipalities is only in the infancy stage and already this endeavour has been received with tremendous enthusiasm. For example: the **City of Toronto** has reserved two pages for its historical profile, while both **Mississauga** and **Brampton** will appear in one page biographical vignettes. In fact, each city approached to date has reacted to this project with great interest. We expect most of them to participate once they can sort out what departments need to be involved.

While **Heirloom Publishing** is thrilled with this response, we are also acutely aware of our time constraints. We simply will be unable to reach all the cities that would like to be profiled in a publication of this scope and stature. This is unfortunate, but it is also reality. Those who can respond with reasonable expedience will be assured of a place in **ALLEGIANCE**.

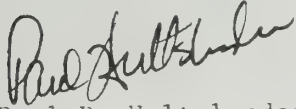
I would be delighted to meet with you and the members of the Finance & Administration Committee at a mutually agreeable time. The presentation would

...3

take about thirty minutes, after which time committee members could have their queries addressed.

I will be expecting your call within the next week to let me know of **Hamilton's** interest in this worthwhile project.

Sincerely,

A handwritten signature in dark ink, appearing to read "Paul R. Hultslander". The signature is written in a cursive, flowing style with some loops and flourishes.

Paul R. Hultslander,
Director of Sales

VOLUME I: CANADA From Sea Unto Sea

Foreword:
Governor General
Jeanne Sauvé, P.C.

Preface:
Prime Minister
Brian Mulroney, P.C.

Honourary Contributor:
Charles R. Bronfman, O.C.

Dedication to:
John W. Fisher, O.C.
"Mr. Canada"

Editor-in-Chief:
Charles J. Humber, M.A.

Contributors:
R.R. Anger, B.A.
Arthur Boufield, M.A.
Harry J. Boyle, O.C.
Major Frederic R. Branscombe, Ph.D.
George Bryant
Wendy Cameron, M.A.
Malcolm Wilkins Campbell, C.M.
J.M.S. Carless, O.C., Ph.D.
A.A. den Otter, Ph.D.
Ralph Dinger
Arnold Edlinborough, O.C., LL.D.
Vicki Gabereau
John W. Holmes, O.C., LL.D.
Mary McDougall Maude, M.A.
Bill McNeil
Rabbi Dr. David Monson, LL.D.
Peter C. Newman, O.C., LL.D.
Vivit Niliawan, B.Sc.
M. Gen. Richard Rohmer, D.F.C.,
C.M.M., LL.D.

Charles G. Roland, M.D.
Joseph Romani, M.A.
Hereward Senior, Ph.D.
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Reg Stackhouse, M.P., Ph.D.
Clara Thomas, Ph.D.
Garry Toffoli, B.A.
Larry Turner, M.A.
Germaine Warkentin, Ph.D.



An Educated Curtis haunting
photograph of a Kootenay native,
ca. 1910 (Glenbow)

John Warkentin, Ph.D.
Sofley F. Wise, M.A.
David Wisdom

VOLUME II: CANADA's Native Peoples

Foreword:
Murray Koffler, C.M.
Daniel David Moses, ANDPVA

Introduction:
Angela Dea Cappell Clark, B.A.
President,
Heirloom Publishing Inc.

Contributors:
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(1) Historic stained glass window, Wycliff College, Univ. of Toronto (J. McDermott); (2) The \$110 million Canadian project, CANADARM, aboard the 2nd U.S. space shuttle flight, 1981 (Spar Aerospace); (3) Inuit mother and child of the Inland Caribou (PAC/PA 114718); (4) Shooting the Rapids, Frances Ann Hopkins (1838-1918) (PAC/C-2774); (5) Legendary "Rocket" Richard of les Canadiens (HHEF); (6) Dust jacket, His Majesty's Yankees; (7) Allegro, Brantford with Suz Ebby and Mark Lanham (Royal Winnipeg Ballet).

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ALLEGIANCE: The Ontario Story



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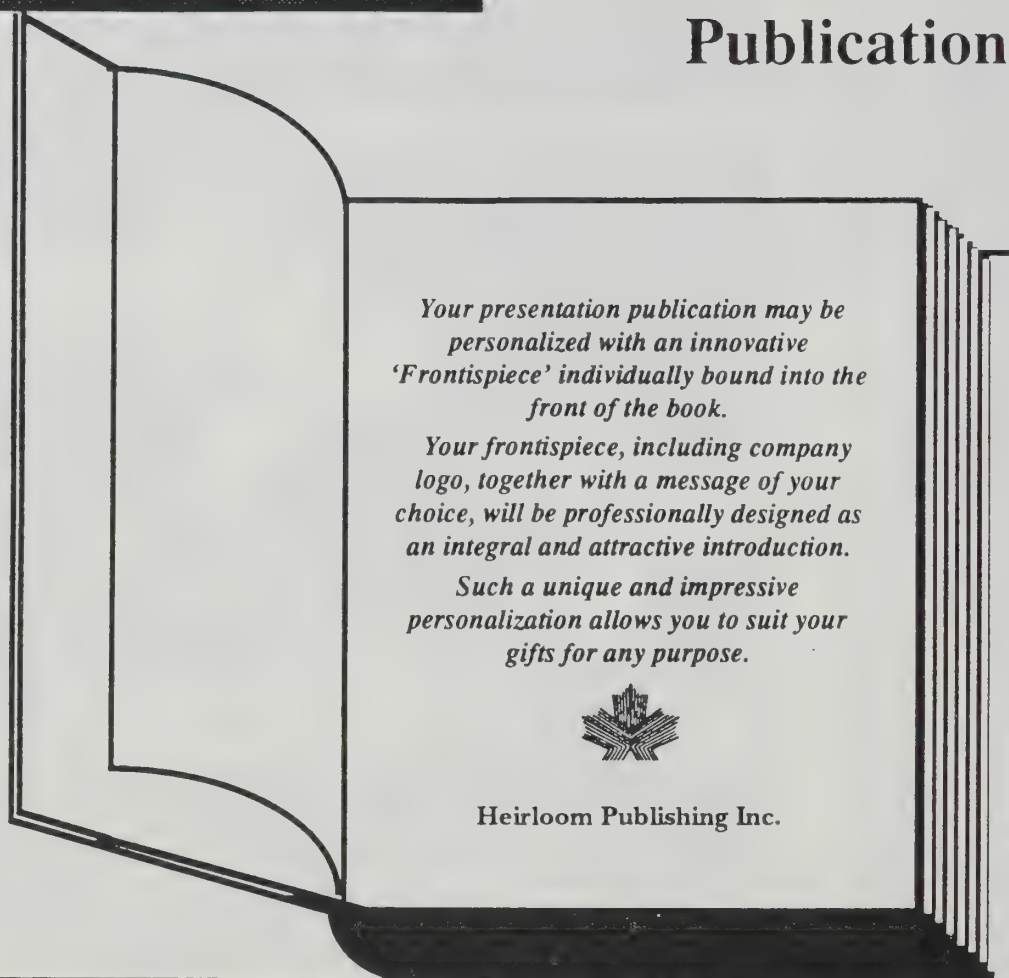
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*A Special Message
from
His Royal Highness
The Prince Andrew, Duke of York*

My special link with Canada was forged when I was lucky enough to attend Lakefield College in 1977. This link has served to bind me into the life of the Province of Ontario.

Ontario has a special significance for me and having been a visitor to the province on six separate occasions since my school days I have come to know it well and hold it in the highest esteem.

As we reflect on the past 200 years we have seen in later times "our" Province develop and flourish to the point where it stands well prepared to enter the 21st century.

It will be a century of great promise and enormous challenge. Ontario, rich and well founded in its multicultural heritage will, I know, continue to grow in strength.

ALLEGIANCE: The Ontario Story is a fine record of past progress and an inspiration for future endeavor.

Preface

*The Honourable Lincoln Alexander, P.C., K.St.J., Q.C., B.A., LL.D.,
The Lieutenant Governor of Ontario*

The province of Upper Canada was created by an Act of the British Parliament on June 10, 1791. Called Canada West after 1841, the old province of Upper Canada became officially known as Ontario in 1867, the year of Canada's Confederation.

Over the past 200 years, the story of Ontario has consistently been one of "allegiance." Even before the creation of Upper Canada, United Empire Loyalists, including native Indians from upper New York, came to future Ontario following the American Revolution (1775-1781) because of their strong allegiance to the Crown.

Allegiance was unsuccessfully challenged during both the War of 1812 and the 1837 Rebellion. Nineteenth century immigrants swore allegiance to the Crown before taking land titles. The Fenian raids of the late 19th century were defeated by those defending allegiance. One could even argue that a catalyst for victory in both the great wars of this century was allegiance. And pledging allegiance today is a significant part of all citizenship ceremonies.

It is difficult to determine the one exact word to define the essence of a given province, state or country. In the case of Ontario, however, no better choice can be made for one word to define this *essence*. It is *allegiance*. I am always reminded of this as I travel throughout the width and breadth of the Province of Ontario, meeting people from all walks of life.

ALLEGIANCE: The Ontario Story

Introduction

Hon. David R. Peterson

Premier of Ontario

Two hundred years of Ontario history have been frozen in time and captured on the colourful pages of this magnificent and timely volume.

It is no accident that the publication of *ALLEGIANCE: The Ontario Story* coincides with the 200th anniversary of the Constitutional Act, passed in 1791 by the British Parliament dividing the old province of Quebec into Lower and Upper Canada.

With the stroke of a pen upon parchment, Ontario—in all but name and geographic presence—was born. Upper Canada would not extend north to the Hudson Bay until 1912, by which time “Upper Canada” had been relegated to the history books and Canada’s first province had been renamed “Ontario”—an Iroquois word meaning “beautiful lake”.

Absent 200 hundred years ago was much of the land that is part of our Ontario, but apparent was the spirit and the ingenuity that could forge a progressive society and eventually unite a people behind a larger dream of a united Canada.

The publication of *ALLEGIANCE: The Ontario Story* recognizes the 200th anniversary of the Constitutional Act, but the book itself celebrates a province and its people.

Through words and illustrations, many of Canada’s best writers and finest historians have traced the heritage of Ontario from the arrival of our first peoples more than 10,000 years ago to a truly diverse society embracing many distinct cultures from around the world.

The institutions that we proudly point to as examples of an orderly society took root in the proclamation of the Constitutional Act of 1791, and in the vision of Upper Canada’s first Governor, John Graves Simcoe.

The Constitutional Act provided Simcoe with the key to release the opportunity and prosperity he knew to be locked within Upper Canada's raw and rugged frontier.

Historians have noted that Simcoe's contribution to Upper Canada parallels the achievements of Samuel de Champlain as a founding father of New France. The first governor's dream of a civilization where no man, woman or child would be held up as a slave of another was realized during his term of office, when Upper Canada became the first jurisdiction in the British Empire to abolish slavery.

The legacy left by John Graves Simcoe has withstood the test of 200 years—and Ontarians have expanded on his belief that our society should represent the best of British civilization to the extent where we represent the best of a global mosaic.

In the age of the computer, *ALLEGIANCE: The Ontario Story* offers an intimate portrait of Ontario from the day of the quill. On the occasion of the bicentennial of the founding of our province, I encourage you to pause and take a journey through the past, and through it gain a greater understanding of our present.

Dedication

Dr. Daniel G. Hill

Former Ombudsman for the Province of Ontario

In 1791 the dream of John Graves Simcoe became a reality with his appointment, by Act of British Parliament, as the first Governor of Upper Canada.

Very successful as commander of the Queen's Rangers throughout the American Revolution, Simcoe well understood his important role in building foundations for a new province next door to a republic destined to expand westward.

With vigour, he implemented a parliamentary system of government, forging the foundations for future Ontario. He established the provincial capital at York, the future metropolis of Toronto. Building Yonge and Dundas Streets, he interlinked the province with roads of communication. He created the first nineteen counties, developed allegiance among the natives, liberalized archaic land policies, encouraged education and implanted the roots for representative government.

With the bold vision of William Wilberforce, whom he supported in England, Simcoe moved to abolish slavery in Upper Canada. Although his bill of 1793 was modified, it was, nevertheless, passed, suggesting that a deep sense of respect for law and order in this province was implanted by the first Governor whose legacy Ontarians of all ethnic backgrounds should be proud of today.

This volume is dedicated to the memory of John Graves Simcoe with the hopes that his legacy will never be forgotten...



The Ontario Chamber of Commerce

January 26th, 1990

Mr. C.J. Humber
Publisher
Heirloom Publishing Inc.
2233 Argentia Road
Suite 304
Mississauga, Ontario
L5N 2X7

Dear Mr. Humber:

On behalf of the Officers, Directors, and General Membership of the Ontario Chamber of Commerce, we are pleased to express our encouragement to Heirloom Publishing Inc. for its intent to produce **Allegiance: The Ontario Story** to coincide with the 200th anniversary celebration in 1991 of the founding of Upper Canada.

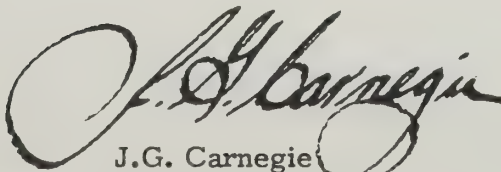
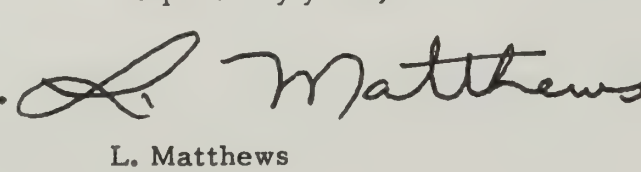
The Chamber of Commerce movement has long appreciated recognition of the role that history has played in the development of lifestyle and, in this, Ontario is no exception.

Your project in recognition of the Province's celebration plans for 1991 is one which we are pleased to endorse.

We know of your earlier association with **Loyal She Remains** and the ongoing **Canada Heirloom Series**, and you are to be commended for your promotion of Ontario's rich culture, history, and heritage. We are sure that you will make every effort to produce a fine publication for 1991.

Please accept the best wishes of our Membership throughout Ontario on this excellent effort to enhance the importance of 1991 to Ontario.

Respectfully yours,

 
J.G. Carnegie
Executive Director

L. Matthews
President

JGC/LM:cdf

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ALLEGIANCE: The Ontario Story

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Dedication

Dr. Daniel G. Hill
former Ombudsman for the
Province of Ontario



Preface

Colonel the Honourable
Lincoln MacCauley Alexander,
P.C., K.St.J., Q.C., B.A., LL.D.,
the Lieutenant Governor of Ontario



Introduction

His Royal Highness The Prince Andrew,
Duke of York (to be confirmed)

Chapters

The Face of Ontario
Indigenous Life
Exploring and Discovering
The Coming of the Loyalists
The Simcoe Years
The War of 1812
Steadfast in their Allegiance
Allegiance Secured
Early Developers
Canada West
Prospecting and Developing
New Ontario
The Rise of King Street
World War I
A Province in Transition
World War II
A Flourishing Mosaic
Some Notables
Allegiance Explored

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Corporate Signatures

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Pamela Colorado
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THE HAMILTON
SOCIETY FOR THE PREVENTION
OF CRUELTY TO ANIMALS

11.

Tuesday, September 11, 1990

Attention:- John Thompson, Secretary

FINANCE AND ADMINISTRATION COMMITTEE

Re:- Performing Wild Animals

Cam Stableford, General Manager

At the Regular meeting of the Board of Directors of the Hamilton Society for the Prevention of Cruelty to Animals, September 10, 1990, the following resolution of the Board was approved:-

Whereas,

The living conditions, transportation, housing, and care of Performing Wild Animals in Circuses, in the City of Hamilton have been observed as being inappropriate or deficient with regard to the well being of the animals, and,

Whereas,

Such Animal Performances, which are by their nature transient, cannot be effectively regulated, or policed in a manner which ensures the appropriate treatment of animals, and,

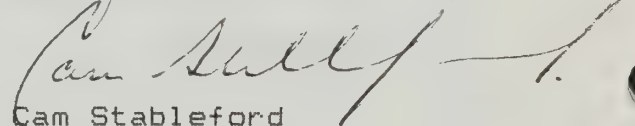
Whereas,

The Hamilton SPCA, is opposed to the use of Wild Animals in Circuses; in concert with The Canadian Federation of Humane Societies, The Ontario Humane Society, and other animal welfare groups throughout North America,

It is recommended that,

The Corporation of the City of Hamilton be requested to prohibit the use of Performing Wild Animals in Circuses within those facilities owned by the City of Hamilton, and to take whatever action may be appropriate to discourage the use of Performing Wild Animals in Circuses at privately held facilities within City Boundaries.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Cam Stableford", with a long horizontal flourish extending to the right.

Cam Stableford
General Manager

cc. Alderman John Gallagher, Chairman
Alderman Terry Cooke
John Hedden, SPCA President
Barbara Watson, SPCA Vice-President
Robert Morrison
Carl Badow



THE HAMILTON
SOCIETY FOR THE PREVENTION
OF CRUELTY TO ANIMALS

BACKGROUND.
INFORMATION.

TO: CAM STABLEFORD
FROM: CARL BANDOW
DATE: July 31, 1990
RE: PERFORMING ANIMALS

The material provided by Liz Crozier-Organ is an accurate account of the living conditions of animals that perform in circuses. All the circuses that have appeared in Hamilton have confined their large cats to small cages and chained one and/or two legs of the elephants.

When the Moscow Circus was at Copps Coliseum, they housed their bears in cages that did not allow the bear to stand at its full height. It is not uncommon to find these performing animals kept outside, exposed to direct sunlight and extreme heat. It has only been in the last couple of years that the Shrine Circus has provided a canopy as shelter for their animals.

The animals that perform in these shows may be out of their cages or unchained for approximately an hour out of a twenty-four day. The only exercise these animals get is during their performances and/or rehearsals.

The Canadian Federation of Humane Societies' policy is that it is opposed to the use of wild animals in circuses. The policy goes on to state that until the practice stops, the CFHS insists that no performing animal be trained or required to perform in such a way as to cause it to suffer; and that the CFHS insists that performing animals be maintained and transported in a way that is appropriate to the species and in sufficient space to provide adequate shelter and safety.

At the present time, the only legislation Humane Societies have to use in dealing with cruelty to animal complaints are the Criminal Code and the O.S.P.C.A. Act. Neither of these pieces of legislation deal with cage sizes or living environment, particularly for performing animals. There is also no provisions that deal with psychological stress.

Legislation is needed to deal with the living environment, transportation and overall care of performing animals and animals that are in mobile displays.

There are, however, a number of problems that a municipality can have trying to pass such a legislation; one being the fact that these performances and displays are transient, which allows the show owner/operator to be out of the area before a case went to trial in Provincial Offences Court. Other problems would be who decides what the physical and psychological needs are for the various species?

A few years ago, the CFHS had sent out material regarding housing of animals that are used in mobile displays. Their unofficial guideline was to have the length of cages be at least four times the length of the animal. This would be difficult to enforce with a circus, but may be enforceable with outfits such as "Our Vanishing Kingdom, who appears at area malls.

Metropolitan Toronto has already looked into legislating care requirements for performing animals. Attached is a copy of:

1) The amendments to a Metro Toronto By-Law to set standards and regulations for circuses and other like animal acts, and; 2) The minutes of a meeting held on January 9, 1990, to discuss these amendments. Attendees at this meeting were representatives from Metro Toronto Zoo, Toronto Humane Society, Ontario Humane Society, Canadian Federation of Humane Societies and Zoo Check Canada.

In order to legislate this concern, certainly experts from Metro Toronto Zoo and/or University of Guelph should be invited to participate.

12B Matilda Street N.
Dundas, Ontario
L9H 2Y8

May 1, 1990

City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

MAY 1 1990

Attention: Alderman John Gallagher
Finance & Administration Committee

Dear Mr. Gallagher:

RE: Circuses

In view of the fact that circuses are once again making their appearance in the Hamilton area, I am sending you a package of information regarding circus animals which I think you will find very informative.

I would like to draw your attention particularly to the recent article from The Financial Post about the Cirque du Soleil which is becoming a highly successful and popular circus and which does not use animal acts.

Also enclosed are photographs I took last year of some of the circus animals at the Garden Bros. Circus -- the same circus which is now performing at the Mountain Arena. I think these pictures speak very loudly about the miserable lives these animals endure. If you want to see these animals in person, all you have to do is go to the Mountain Arena yourself -- the animals are kept on the parking lot behind and to the side of the building. Animals at the Shrine Circus, which usually sets up at the Centre Mall, are also very easy to see as they are kept out on the parking lot -- often in blistering heat. I would encourage you to take a close look at the vehicles in which these animals are housed and transported.

I would appreciate it if you would return these photos as they are currently the only prints I have. Perhaps your department could make copies should you wish to have them on file.

I hope this information is useful to you. Personally, I think Hamilton ought to be ashamed to allow these outdated spectacles to take place within its city limits. Might I also suggest that the Cirque du Soleil should be seriously considered by HECFI as a good draw for Copps Coliseum.

Thank you.


Liz Crozier-Organ

October 4, 1989.

**TO: Chairperson and Members of The Parks,
 Recreation and Property Committee.**

**From: Stephanie Brown,
 President
 Canadian Federation of Humane Societies.**

SUBJECT: Animals in Entertainment

ETHOLOGY ISSUES -- PERFORMING ANIMALS

Animals --including humans -- are complicated creatures, with complex behavioural and psychological needs. With intelligent animals, diverse activities, or "occupations", are needed to prevent boredom. Deprived animals exhibit symptoms, such as repetitive, ritualistic behaviours.

Increasingly the public is showing greater sensitivity toward the welfare of all animals -- perhaps as a result of the environmental movement and heightened appreciation of animal intelligence.

There is growing interest and an accruing body of knowledge in the science of animal behaviour, or ethology, as it is known. As greater understanding of animal behaviour is attained, appropriate environments can be designed to meet animals' behavioural and psychological needs.

Performing animals are mammals: the highest form of vertebrate animals.

EXISTING REGULATORY HOUSING STANDARDS FOR ANIMALS

METRO LICENSING COMMISSION -- PET SHOPS

Existing standards state:

--every cage or other container used for the keeping or housing of any animal or bird shall:

- a) be of adequate size to permit any such animal or bird to stand normally to its full height, to turn around, and to lie down in a fully extended position;
- d) be equipped with receptacles for food and for water, so mounted or situated that they cannot be easily overturned or contaminated;
- 6) water shall be provided daily to every animal or bird in sufficient quantity to maintain at all times a potable supply available to such bird or animal

CANADIAN COUNCIL ON ANIMAL CARE

The Canadian Council on Animal Care, the federal body responsible for overseeing the care and use of laboratory animals requires "cages (to)...ensure the animal's comfort and safety by permitting normal postural and behavioural adjustments." (Guide to the Care and Use of Experimental Animals, vol. 1, 1980, p. 13)

EVALUATING HOUSING CONDITIONS FOR ANIMALS

Animal behaviorists, or ethologists, have developed guidelines for evaluating the quality of housing conditions for

an animal. It can be considered in terms of:

- * Amount of feeding and watering space
- * Amount and quality of resting space
- * ventilation
- * availability of shelters
- * quality of floors
- * safety of walking routes
- * freedom of movement and quality of restraint
- * noise level
- * evacuation ease
- * availability of an isolation compartment

(Frank Hurnik, University of Guelph, Bioethics 87, Montreal, Quebec, August 1987)

When these criteria are applied to the housing conditions of circus animals which have visited Metro Toronto in recent years -- as documented by The Toronto Humane Society and noted bear biologist, Dr. Charles Jonkel -- it becomes clear the animals' environmental conditions failed to meet their needs.

THE MOSCOW CIRCUS

Dr. Jonkel, reporting on the housing of the Moscow Circus brown bears in 1988, stated it barely met the U.S. Animal Welfare Act standards for temporary caging and "(did) not remotely meet the described minimum needs for permanent housing."

The Toronto Humane Society has documented additional problems with the Garden Brothers Circus, related to inadequate environmental conditions for lions, elephants, and bears.

WHAT IS NEEDED: STANDARDS FOR PERFORMING ANIMAL ACTS

No standards relative to performing animals exist. Regulations, standards and licensing requirements for care and housing of performing animals are necessary to ensure decent and appropriate environmental conditions. Assurance of these standards should be enforced prior to licensing touring animal acts.

Enforcement and inspection services can be provided by the Toronto Humane Society or the Ontario Humane Society, in conjunction with representatives of the Metro Licensing Commission. Adequate compensation should be paid for services provided by the humane societies.

Stephanie Brown

Canadian Federation of Humane Societies

He states animals should have adequate space for:

movements

comfort

security

cleanliness

exercise

feeding, sleeping, etc.

However, he found "the cages are too small...they do not have built-in watering facilities, they have painted surfaces, and they have wooden walls...In the holding area, the bears were not free of "being seen" by other bears and people, had no "toys" or exercise facilities in their cages, and were exposed to constant noises, odors, light changes and other disturbances....Nevertheless, the bears appeared to be clean and healthy, though of minimal weight. Ritualistic behaviors (the licking of cage bars, head swinging, paw sucking, begging noises) were practiced by several bears."

During the 1989 Toronto tour, permanent housing conditions for the brown bears were not improved. Two of the bears were 150 - 200 pounds heavier than in 1988, and though cage height was increased, floor space was decreased -- resulting in bears being unable to extend their bodies while caged.

OTHER CIRCUSES

12.

CORPORATION OF THE CITY OF HAMILTON
MEMORANDUM

TO: Mr. J. D. Thompson, Secretary
Finance and Administration Committee

YOUR FILE:

FROM: Mr. K. E. Avery
City Clerk

OUR FILE:
PHONE: 546-4587

SUBJECT: ESTABLISHMENT OF AN ENGLISH
SUB-COMMITTEE

DATE: 1990 September 26

Attached please find a copy of a letter dated September 5, 1990 from the Alliance for the Preservation of English in Canada respecting the establishment of an English Sub-Committee which City Council at its meeting held September 25, 1990 referred to the Finance and Administration Committee.

att.



Alliance for the Preservation of English in Canada

RECEIVED

SEP 7 1990

CITY CLERKS

ONE OFFICIAL LANGUAGE - ENGLISH

HAMILTON BRANCH
P O BOX 1140 STN A
HAMILTON ONT L8N 4B3

September 5th, 1990

Mr. K. E. Avery,
City Clerk,
City of Hamilton,
City Hall,
Main St. West,
Hamilton, Ont.
L8N 3T4

Dear Sir,

The Committee consisting of 38 multicultural members has a special relationship with the City, as does the French Sub-Committee. They provide a liaison between their communities and the City of Hamilton, and also assist their people to take an active interest in municipal affairs as they relate to the concerns of their respective groups.

This is an admirable objective, but they are not the only groups who are concerned about maintaining their language and culture. We are concerned that the English language and culture also needs to be preserved and maintained at the present time, in view of the influx of so many different languages and cultures into Canada - and specifically our community. We would like to have instant and ready communication with City Council as does the French Sub-Committee and Race Relations Committee.

Therefore, we would request that an English Sub-Committee be set up to have as equal a status as the French Sub-Committee, since we represent one of the founding nations of Canada.

Will you please refer this request to the appropriate Committee and communicate with us as soon as possible.

Yours truly,

BERNARD S. WALTERS
Second Vice-President,
Hamilton Branch.

URBAN/MUNICIPAL
CA4 ONHBL AOS
CS1F31
1990

FINANCE AND ADMINISTRATION COMMITTEE

OCTOBER 4, 1990

C O N S E N T A G E N D A

A. ADOPTION OF THE MINUTES

Regular Meeting.....1990 September 20

B. MANAGER OF PURCHASING

Supply and Delivery of Panasonic Video Equipment, Hamilton Fire Department

C. COMPREHENSIVE AUDIT SUB-COMMITTEE

Consultant to Conduct a Comprehensive Audit on the Licence Division of the City Clerk's Department

D. CITY CLERK - USE OF CITY HALL FACILITIES

- (i) Flying of Lung Association Flag
- (ii) Flying of Colony of Delta Upsilon Fraternity Flag
- (iii) Flying of Hungarian Flag
- (iv) Hamilton-Wentworth Regional Police Community Services Branch
- (v) Hamilton-Burlington Branch, Canadian Abortion Rights Action League

E. TREASURER

- (i) Financing of Independent Appraisal for Property at 136 Cannon Street West - Crescent Oil Company
- (ii) Financing of Civic Luncheon for the Ontario Recreation Society Annual Conference
- (iii) Financing the Increased Cost of \$20 000 for City's Share for the Construction of Sidewalks on Upper Paradise Road Between Stone Church Road and Lunner Avenue

- (iv) Financing Attendance of Noise Control Officer and Off Duty Police Officer in Connection with McMaster University Homecoming Weekend
Re: Noise Abatement
- (v) Summary of Revenues and Expenditures for the Eight Months Ended 1990
August 31 Compared with Budget
- (vi) Final Release of Holdback - Western Plumbing and Heating
Re: Renovation to the Pool Filtration System at Churchill Recreation Centre

F. DIRECTOR OF PROPERTY

Proposed Purchase of Prince Elizabeth School, 235 Bowman Street, by Municipal Non-Profit (Hamilton) Housing Corporation

G. COMMISSIONER OF HUMAN RESOURCES

- (i) Appointments to and Terminations from Permanent Positions with the Corporation to 1990 September 25
- (ii) "Race and Multicultural Relations in our Community Workshop"
Sponsored by the Ministry of Municipal Affairs, to be Held at the Novotel Hotel in North York, 1990 November 29

Thursday, 1990 September 20
9:30 o'clock a.m.
Room 233, City Hall

A

The Finance and Administration Committee met.

There were present: Alderman B. Hinkley, Chairman
Alderman D. Ross, Vice-Chairman
Mayor R. M. Morrow
Alderman T. Cooke
Alderman V. J. Agro
Alderman G. Copps
Alderman D. Agostino
Alderman T. Jackson

Regrets: Alderman J. Gallagher - H.E.C.F.I. Business

Also present: Alderman T. Murray
Mr. L. Sage, Chief Administrative Officer
Mr. E. C. Matthews, Treasurer
Mr. R. Hammel, Manager of Accounting
Mr. N. Adhya, Manager of Budgets
Mr. K. Beattie, Grants Co-ordinator
Mr. K. E. Avery, City Clerk
Ms. P. Noé Johnson, City Solicitor
Mr. J. Johnston, Commissioner of Human Resources
Ms. D. Jones, Manager, Personnel Services
Mr. D. Vyce, Director of Property
Mr. J. Thompson, Secretary

CONSENT AGENDA

A. MINUTES

The minutes of the meeting of the Finance and Administration Committee held 1990 August 23 were received and adopted as circulated to the members.

B. MANAGER OF PURCHASING

(i) MASONRY REPAIRS, BALFOUR ESTATE CARRIAGE HOUSE

As outlined in a report of the Manager of Purchasing dated 1990 August 20, the Committee agreed to submit the following recommendation to City Council for approval:

That a purchase order be issued to Ontario Restoration Ltd., Brantford, in the amount of \$10 490 for masonry repairs at the Balfour Estate Carriage House in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation.

NOTE: As this work is to be completed as soon as possible, the above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy, that states "An order can be placed upon the approval of two of the following: The Mayor, an appropriate Committee Chairman, the C.A.O. and that any action taken under this provision to be reported to the next regular meeting of City Council".

(ii) REROOF RINK SECTION, PARKDALE RECREATION CENTRE

As outlined in a report of the Manager of Purchasing dated 1990 September 7, the Committee agreed to submit the following recommendation to City Council for approval:

That a purchase order be issued to Schreiber Brothers Ltd., Hamilton, in the amount of \$43 785, which is the lowest of four (4) tenders received, to provide all labour and materials necessary to Reroof the Rink Section at Parkdale Recreation Centre, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender, and that this expenditure be financed from Major Maintenance to Civic Buildings Account No. CF5255 319041003.

NOTE: As this work is to be completed as soon as possible, the above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy, that states "An order can be placed upon the approval of two of the following: The Mayor, an appropriate Committee Chairman, the C.A.O. and that any action taken under this provision to be reported to the next regular meeting of City Council".

(iii) SUPPLY AND INSTALL NEW AUTOMATIC DOOR EQUIPMENT, CITY HALL

As outlined in a report of the Manager of Purchasing dated 1990 September 4, the Committee agreed to submit the following recommendation to City Council for approval:

That a purchase order be issued to Enex Door Automation Inc., Concord, in the amount of \$24 933, which is the lowest of three (3) quotations received, to supply and install new automatic door equipment at City Hall, in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation, and that this expenditure be financed from City Hall, Front Entrance Door Account No. CH57413 31102.

(iv) REPLACEMENT OF THREE DUAL PURPOSE 4X4 VEHICLES, UNITS #1667/77/78, HAMILTON FIRE DEPARTMENT

As outlined in a report of the Manager of Purchasing dated 1990 September 4, the Committee agreed to submit the following recommendation to City Council for approval:

That a purchase order be issued to Robert Slessor Pontiac Buick Inc., Grimsby, in the amount of \$79 154.85, which is the lowest of two (2) tenders received, for the replacement of three Dual Purpose 4X4 Vehicles, units #1667/77/78 for the Hamilton Fire Department, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender, and that this expenditure be financed from Vehicle Replacement Account No. CH5X502 00101.

(v) REPLACEMENT OF ONE FULL SIZE VAN STYLE TRUCK, UNIT #1675, HAMILTON FIRE DEPARTMENT

As outlined in a report of the Manager of Purchasing dated 1990 September 7, the Committee agreed to submit the following recommendation to City Council for approval:

That a purchase order be issued to Johnston Motor Sales Co. Limited, Hamilton, in the amount of \$16 965.72, which is the lowest of five (5) tenders received, for the replacement of one Full Size Van Style Truck, Unit #1675 for the Hamilton Fire Department, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender, and that this expenditure be financed from Vehicle Replacement Account No. CH5X502 00101.

(vi) REPLACEMENT OF ONE (1) ONE TON PICKUP TRUCK, UNIT #9011, FLEET SERVICES

As outlined in a report of the Manager of Purchasing dated 1990 September 7, the Committee agreed to submit the following recommendation to City Council for approval:

That a purchase order be issued to Robert Slessor Pontiac Buick, Grimsby, in the amount of \$21 740, which is the lowest of three (3) tenders received, for the replacement of one (1) One Ton Pickup Truck, Unit #9011, Fleet Services, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender, and that this expenditure be financed from Reserve for Replacement of Mobile Equipment Account No. CH5X503 00101.

(vii) REPLACEMENT OF EIGHT (8) 25 000 LB. DUMP PLOW SANDERS, UNITS #9648/71/9/9202/4/9649/75/43, FLEET SERVICES

As outlined in a report of the Manager of Purchasing dated 1990 September 14, the Committee agreed to submit the following recommendation to City Council for approval:

That a purchase order be issued to Carter G.M. Trucks, Hamilton, in the amount of \$678 163.20, which is the lowest of three (3) tenders received, for the replacement of eight (8) 25 000 lb. Dump Plow Sanders, Units #9648/71/9/9202/4/9649/75/43, Fleet Services, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender, and that this expenditure be financed from Reserve for Replacement of Mobile Equipment Account No. CH5X503 00101 (\$667 163.20) and Operating Supplies Account No. CH56013 60214 (\$11 000).

(viii) PURCHASE OF ONE (1) 1991 MINI CARGO VAN, TRAFFIC DEPARTMENT

As outlined in a report of the Manager of Purchasing dated 1990 September 17, the Committee agreed to submit the following recommendation to City Council for approval:

That a purchase order be issued to Robert Slessor Pontiac Buick Inc., Grimsby, in the amount of \$18 979.92, which is the lowest of three (3) tenders received, for the purchase of one (1) 1991 Mini Cargo Van for the Traffic Department, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender, and that this expenditure be financed from Reserve for Replacement of Mobile Equipment Account No. CH5X503 00101.

C. DIRECTOR OF PUBLIC WORKS - RETENTION OF AERIAL BUCKET VEHICLE #9005

As outlined in a report of the Director of Public Works dated 1990 September 7, the Committee agreed to submit the following recommendation to City Council for approval:

That the Aerial Bucket Vehicle #9005 be retained as a spare vehicle, rather than trading in the vehicle (estimated value of between \$5 000 to \$8 000), to minimize the loss of available manpower when other vehicles of this type are off the road being serviced.

D. CITY CLERK

(i) UNITED WAY COMMITTEE - USE OF CITY HALL FACILITIES

As outlined in a report of the Deputy City Clerk dated 1990 September 12, the Committee agreed to submit the following recommendation to City Council for approval:

That permission be granted to the United Way Committee to use the City Hall forecourt, in the event that inclement weather prevents the use of Commonwealth Square, on Thursday, 1990 September 27 from approximately 12:00 o'clock noon to 2:00 p.m. for a Fundraising Barbecue.

(ii) CABLE 14 TV HAMILTON - USE OF CITY HALL FACILITIES

As outlined in a report of the Deputy City Clerk dated 1990 September 12, the Committee agreed to submit the following recommendation to City Council for approval:

That permission be granted to Cable 14 TV Hamilton to use the Council Chamber from 5:00 p.m. until 10:00 p.m. on Thursday, 1990 November 08 to host All Candidates Debates for the upcoming Ward Four and Ward Six By-Elections.

(iii) 62ND R.H.L.I. CADET CORPS FREEDOM OF THE CITY CELEBRATION

As outlined in a report of the Deputy City Clerk dated 1990 September 13, the Committee agreed to submit the following recommendation to City Council for approval:

That the Manager, Property Maintenance Division be authorized and directed to erect a reviewing stand and all other pertinencies on the south side of Main Street (on the sidewalk in front of the Canadian Football Hall of Fame) on Sunday, 1990 October 28 on the occasion of the 62nd R.H.L.I. Cadet Corps Freedom of the City Celebration.

E. TREASURER**(i) FINANCING CONSTRUCTION OF INDEPENDENT SIDEWALKS ON THE WEST SIDE OF CENTENNIAL PARKWAY BETWEEN DELAWANA DRIVE AND BARTON STREET**

As outlined in a report of the Treasurer dated 1990 September 14, the Committee agreed to submit the following recommendations to City Council for approval:

- (a) That, as referred to in Section 6 of the Twelfth Report of the Transport and Environment Committee, the City Solicitor be authorized to make application to the Ontario Municipal Board for approval to construct independent concrete sidewalks on the west side of Centennial Parkway between Delawana Drive and Barton Street at an estimated cost of owner's share of \$41 391, as well as City's share of \$19 087, by the issuance of debentures totalling \$60 478 for a period not to exceed 20 years.
- (b) That application be made to the Regional Municipality of Hamilton-Wentworth to issue debentures in the amount of \$60 478 for a term not to exceed 20 years for the above project.

(ii) STATUS OF HOSTING, RECEPTIONS AND RELATED ACCOUNTS AS AT 1990 AUGUST 31

The Committee received a report of the Treasurer dated 1990 September 11 containing an analysis of accounts related to hostings and receptions as at 1990 August 31.

(iii) STATUS OF UNCLASSIFIED REVENUE AND EXPENDITURES AS AT 1990 AUGUST 31

The Committee received a report of the Treasurer dated 1990 September 11 containing an analysis of the Unclassified Revenue account and the Unclassified Expenditures account as at 1990 August 31.

F. PERFORMANCE EXCELLENCE PROGRAMME**(i) MR. STANLEY SIMPSON, BARRISTER & SOLICITOR**

The Committee received a letter from Mr. Stanley Simpson, Barrister & Solicitor, dated 1990 August 2, advising that the unions are very much concerned with the Performance Excellence Programs Study Design Report of November 1989, which was presented to Hamilton City Council at its meeting held 1990 August 28 and referred to the Finance and Administration Committee for appropriate action.

(ii) CANADIAN UNION OF PUBLIC EMPLOYEES, LOCAL 5 - PARTICIPATION AND INPUT

The Committee received a letter from Mr. James Keenan, President Local 5, on behalf of the various unions affected by the Performance Excellence Programme advising that the various union executives and the employees under the scope of Locals 5 and 167 are to be re-briefed on the Performance Excellence Programme.

Upon completion of this update, a decision based on the wishes of their members will be brought to the immediate attentions of the Human Resources Centre as well as the Finance and Administration Committee.

Mr. Keenan proceeded to explain that they feel that it is not appropriate for the unions involved to make any presentation to the Finance and Administration Committee at this time. However, they may or may not find the need to appear before the Committee in the very near future.

(iii) **STATUS REPORT**

The Committee received a Performance Excellence Programme Status Report from Mr. L. Sage, Chief Administrative Office, dated 1990 September 11, summarizing the ongoing work of the Project since its approval as well as projected work for the immediate future.

G. **CHIEF ADMINISTRATIVE OFFICER**

(i) **PERFORMANCE APPRAISALS**

The Committee received a report of Mr. L. Sage, Chief Administrative Officer, dated 1990 September 14 advising that all employees have now had a Performance Appraisal. The system is now in place to ensure yearly Performance Appraisals on the employees anniversary date.

(ii) **ETHICS**

The Committee received a copy of a memorandum from Mr. L. Sage, Chief Administrative Officer, to which was attached an article that was circulated in the newsletter from the International City Management Association. The article deals with ethics endorsing commercial products.

H. **COMMISSIONER OF HUMAN RESOURCES - APPOINTMENTS TO AND TERMINATIONS FROM PERMANENT POSITIONS**

As outlined in a report of the Commissioner of Human Resources dated 1990 September 13, the Committee agreed to submit the following recommendation to City Council for approval:

That the Appointments To and Terminations from Permanent positions with the Corporation to September 11, 1990, attached hereto and marked Appendix "A", be approved.

I. **CITY SOLICITOR**

(i) **LOCATION OF OMB HEARINGS**

The Committee received a Status Report from the City Solicitor dated 1990 September 12 dealing with the investigation of the use of City Hall facilities by the Ontario Municipal Board to include the possible collection of rental fees for use of City Hall facilities.

The City Solicitor's Office is conducting a survey of other municipalities to determine the current practice in their areas, and to ascertain if Court Houses are utilized, if other local areas travel to Metropolitan Toronto for their hearings, or further if there is any fee charged for town facilities. The results of this survey should be available and reported back to Committee for the October 25th meeting.

(ii) CROWN POINT WEST/STIPELEY PHASE II P.R.I.D.E. PROGRAM

As outlined in a report of the City Solicitor dated 1990 August 29, the Committee agreed to submit a by-law to City Council to authorize the Crown Point West/Stipeley Phase II P.R.I.D.E. Program in the amount of \$700 000. Approval was given by Ontario Municipal Board Order dated 1990 August 7, which was received by the City Solicitor's Department on 1990 August 29.

(iii) SMOKE ALARM/EMERGENCY LIGHTING BY-LAW

The Committee received an Information Report from the City Solicitor dated 1990 September 13 advising that the Law Department has drafted a Smoke Alarm By-law incorporating the recommendations of the Finance and Administration Committee. The City Solicitor anticipates that the draft By-law and report on enforcement of the By-law will be finalized for the 1990 October 25 meeting of the Finance and Administration Committee.

J. HAMILTON FARMERS' MARKET SUB-COMMITTEE - FESTITALIA PROMOTION

The Committee received an Information Report from the Secretary of the Hamilton Farmers' Market Sub-Committee dated 1990 September 13 advising that the Hamilton Farmers' Market Sub-Committee at their meeting of 1990 September 13 accepted an invitation from Mr. Frank DeNardis, Chairman of Festitalia, to participate in a joint promotion of the Hamilton Farmers' Market and Festitalia.

K. STRATEGIC PLAN TASK FORCE

As outlined in a report of the Secretary of the Strategic Plan Task Force dated 1990 September 13, the Committee agreed to submit the following recommendation to City Council for approval:

That the Strategic Plan Task Force be comprised of the following members of City Council: Mayor R. M. Morrow, Alderman T. Cooke, Alderman M. Kiss, Alderman B. Hinkley, Alderman D. Agostino, and the following members of the Management Team: Mr. R. Sugden, Director of Culture and Recreation, Mr. J. G. Hindson, Director of Information Systems, Mr. P. Baker, General Manager of The Parking Authority, Ms. P. Noé Johnson, City Solicitor, and Mr. A. Georgieff, Director of Local Planning.

NOTE: At its meeting held 1990 July 31 City Council, on the recommendation of the Finance and Administration Committee, approved of the establishment of a Strategic Plan Task Force to review the actions of the original Strategic Plan and to prepare a Terms of Reference for the development of a new Strategic Plan outlining a plan of action and budget.

REGULAR AGENDA1. MANAGER OF PURCHASING - SUPPLY AND INSTALL SKYLIGHT SIGN, FARMERS' MARKET/HAMILTON PUBLIC LIBRARY COMPLEX

The Committee had before it a report of the Manager of Purchasing dated 1990 September 11 dealing with the issuance of a purchase order to Embree Sign Systems to supply and install a skylight sign in the Farmers' Market/Hamilton Public Library Complex.

The Committee also had before it a copy of a letter from Mr. Gary Minden, Sales Representative, Jones Neon Displays, dated 1990 September 14 addressed to the attention of Alderman Brian Hinkley, outlining some concerns of the bid submitted by Embree Industries.

Mr. Minden noted that on page 4 of the Tender Document under the bid bond/agreement to bond portion, "each bidder must submit with this Tender Form a bid bond, certified cheque or an irrevocable letter of credit in the amount of \$3 000. If one of these documents is not submitted, the Tender may be rejected."

Mr. John Avery, Assistant to the Manager of the Purchasing Department, advised that in consultation with the City Solicitor's Department, it was felt that this "gray" paragraph should be rectified. Mr. Avery also advised that he spoke with Mr. Minden and explained to him that their specs did not meet the specifications of the City of Hamilton.

Following consideration, and as outlined in the report of the Manager of Purchasing, the Committee agreed to submit the following recommendation to City Council for approval:

That a purchase order be issued to Embree Sign Systems, Hamilton, in the amount of \$12 026, which is the lowest of two (2) tenders received, to supply and install a Skylight Sign in the Farmers' Market/Hamilton Public Library Complex, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender, and that this expenditure be financed from Skylight Renovation Account No. CH57361 31310.

2. TREASURER(a) FUNDING OF HAMILTON SPCA 1990 CAPITAL PROJECTS

The Committee had before it a copy of a letter from Mr. Cam Stableford, General Manager, Hamilton SPCA, dated 1990 September 5, advising that the amount approved in the Financing Plan for Capital Projects of the Hamilton SPCA totalled \$281 900 for the year 1990, representing \$45 129 for Current Capital Projects, and \$236 771 for Long Term Projects, dealing specifically with the construction of new SPCA Headquarters.

Mr. Stableford was in attendance and advised that the Hamilton SPCA is nearing completion of Functional Programming Studies and Funding feasibility studies at this time, and is not yet in a position to proceed with this project. An additional consideration at this time is the lack of clarity concerning the utilization of SPCA services by other municipalities and the extent of funding they may be prepared to support related to Long Term Capital. Municipalities which are utilizing SPCA have agreed to participate proportionately in funding the SPCA's Current Capital needs.

Alderman Cooke explained that it is anticipated that the new SPCA Headquarters will be constructed some time in the mid 1990's. Firm projections on cost, location and commitments or rejections from other municipalities are expected early next year. Municipalities which do not participate proportionately in funding the SPCA's Current Capital needs will no longer receive animal control services. Response services will be provided for humane treatment for animals in distress only. Other animal control services will be discontinued.

Following consideration, and as outlined in a report of the Treasurer dated 1990 September 12, the Committee agreed to submit the following recommendations to City Council for approval:

- (a) That \$45 129 of the \$281 900 contained in the 1990 Capital Budget for Hamilton SPCA projects be approved and paid to the Hamilton SPCA for the City's portion of 1990 capital funding and that the balance of \$236,771 designated for the eventual replacement of the Hamilton SPCA headquarters be set aside in a "Reserve for Hamilton SPCA Capital Projects";
- (b) That the total amount of \$281 900 be financed from the Reserve for Capital Projects, Centre #00203.

(b) **FINANCING OF OVERDRAFTS IN PUBLIC WORKS STORM DAMAGE ACCOUNTS**

As outlined in a report of the Treasurer dated 1990 September 12, the Committee agreed to submit the following recommendations to City Council for approval:

That, as referred to in Section 4 of the Twelfth Report of the Transport and Environment Committee, the overexpenditure of \$106 957 in the Public Works Centre #60428 "Storm Damage" account be financed by means of an approved overdraft in the account, and that a further review of the accounts within the Public Works function be performed near year end with a view to proposing a more specific financing recommendation.

(c) **FINANCING OF PARTICIPATION IN 1991 FIT TREK**

As outlined in a report of the Treasurer dated 1990 September 13, the Committee agreed to submit the following recommendation to City Council for approval:

That, as referred to in Section 6 of the Seventeenth Report of the Parks and Recreation Committee, the estimated cost of \$1 000 for hosting costs in connection with the participation by the Culture and Recreation Department in the 1991 Fit Trek programme be charged to "Special Receptions and Delegation Hosting" Account No. CH 55314 84010.

(d) **FUNDING OF PLAYGROUND EQUIPMENT**

As outlined in a report of the Treasurer dated 1990 September 18, the Committee agreed to submit the following recommendations to City Council for approval:

- (a) That the gross cost of the 1990 capital project "Playground Equipment" be increased by \$75 000, from \$100 000 to \$175 000 for 1990, and that this increased amount be financed from the "5% Parks Fund" account (Centre 00201).

- (b) That the Armstrong Park integrated playstructure as approved by City Council 1990 August 28 for \$10 000, and the two integrated playstructures at Highview and Steeles Parks at \$10 000 each as referred to in Section 7 of the Seventeenth Report of the Parks and Recreation Committee, be charged against the "Playground Equipment" capital project.

(e) HIRING CONSULTANT TO CONDUCT USER FEE STUDY OF THE CITY OF HAMILTON

The Committee had before it a report of the Treasurer dated 1990 September 14 recommending that David M. Griffith & Associates Ltd., Professional Services to the Public Sector, a U.S. company, be awarded the contract for the development of a "User Fee" study.

Considerable discussion ensued on the recommendation of the Treasurer to engage a U.S. company.

Alderman Agostino submitted that he is not convinced the User Fee Study cannot be done in-house department by department. He stated that the U.S. company being recommended by the Treasurer are not familiar with the Canadian form of government and the funding relationship between municipalities and the senior levels of government.

Alderman Copps submitted that she is opposed to the proposed expenditure to engage a U.S. company when adequate and competent firms are available in Canada.

Alderman Murray commented that the User Fee Study should be done in-house by each department.

Mr. Sage submitted that the City lacks competent technical expertise and resources to carry out a corporate user fee study.

Following consideration, it was moved by Alderman Ross, seconded by Alderman Cooke, and carried, that the following recommendations of the Treasurer, as outlined in his report of 1990 September 14, be submitted to City Council for approval:

- (a) That David M. Griffith & Associates Ltd., Professional Services to the Public Section, be awarded the contract for the development of a "User Fee" study to commence 1990 October 1 and to be completed 1991 January 15, based on a proposal submitted by them, at a firm quotation in the total amount of \$100 000 (Canadian) to be completed by 1991 January 15;
- (b) That the \$100 000 required for the consultant fees be financed from the excess appropriation provided for the Pay Equity Account CH 54117 23001.

Recorded vote: In favour: Alderman B. Hinkley, Mayor R. Morrow, Aldermen T. Cooke, T. Jackson, D. Ross. Opposed: Aldermen V. J. Agro, G. Copps, D. Agostino.

(f) MINISTRY OF TOURISM AND RECREATION - 1991/1992 COMMUNITY RECREATION CAPITAL GRANT PROGRAM

As outlined in a report of the Treasurer dated 1990 September 11, the Committee agreed to submit the following recommendations to City Council for approval:

- (a) That the overpayment of the Wintario Capital Grant (CS-1196-76) to the Hamilton Tennis Club in the amount of \$16 667 be paid by the City of Hamilton to the Ministry of Tourism and Recreation;
- (b) That the Hamilton Tennis Club contribute to the City an amount equal to 50% of the overpayment or \$8 333.50;
- (c) That the City's portion of the overpayment (50%) be charged to Account No. RF 4X003 00203 and be recoverable from the Hamilton Tennis Club at the time of commencement of construction of a new clubhouse facility.

NOTE: Payment by the City of the \$16 667 does not acknowledge liability for the grant overpayment by the City, nor commit the City to construction of a new clubhouse at Hamilton Tennis Club but rather removes the default with the Ministry of Tourism and Recreation so that our 1991/1992 Capital Grant applications will not be impeded.

3. DELEGATIONS

(a) SELF-HELP NETWORK

A delegation headed by Mr. Reg Wheeler, Chairman, West Avenue School/Self Help Committee, appeared before the Finance and Administration Committee to propose the creation of a unified Self-Help Centre within the West Avenue School building and to urge the City of Hamilton to make the building available for this purpose at an annual rental fee of \$1.

The proposed new organization to be located in the West Avenue School facility, offering centralized resources in terms of equipment, office services and personnel, will make it possible for self-help groups to concentrate their energies on providing help and support to their constituent members. In addition there would be tremendous savings in accommodation costs, equipment purchases, supplies and use of volunteers. All capital renovations and operating expenses would be the responsibility of the new organization.

The Social Planning & Research Council of Hamilton and District has strongly supported the establishment of the centre based upon the 1988 study of the needs of local self-help groups.

It was noted that several groups have already come forward wishing to use space in the school for their purposes. Alderman Ross submitted a process should be in place to allow other groups and organizations to make proposals and presentations to the Finance and Administration Committee. In this regard Alderman Hinkley agreed to come back to the Committee with a recommendation on the implementation on a process to receive proposals from other groups and organizations.

Following discussion, the presentation of Mr. Wheeler and the delegation was received to be taken under advisement.

(b) HESS STREET VILLAGE MALL

Mr. Graham Snelgrove appeared before the Committee regarding the concerns of the merchants and residents on the pedestrian mall on George Street between Queen Street South and Hess Street South known as "The Hess Street Village Mall". Mr. Snelgrove requested that the Finance and Administration Committee consider granting relief from the outstanding local improvement charges applicable to the properties. Each of the property owners in the Hess Street Village Mall is individually liable for that portion of the local improvement charges applicable to their property. In 1982 the Region issued fifteen year debentures (on behalf of the City) to finance the owner's share of the project. There are six years remaining (1991 - 1996) to be levied on the tax rolls, and the cost of maturity is \$91 390.50. The cost to pay down these charges early is \$56 125.05 as of 1990 December 31. Once the local improvement charges have been added to the tax roll they are in effect taxes.

The City Solicitor indicated that she would have to research the request in order to determine the legal implications of changing or amending the local improvement By-law which authorized the construction of the pedestrian mall as a local improvement.

Following discussion the Committee requested the City Solicitor and the Treasurer to report back on the possibility and feasibility of providing relief to the merchants from the outstanding local improvement charges possibly through an amendment to the local improvement charge By-law.

(c) THE HAMILTON SPECTATOR INDOOR GAMES - 1991 GRANT REQUEST

The Committee had before it a copy of the application of the 91st Highlanders Athletic Association for a \$50 000 grant from the City of Hamilton to offset costs associated with the international Track and Field meet at the Hamilton Spectator Indoor Games to be held at Copps Coliseum 1991 January 10 and 11.

The Committee also had before it an Auditor's Report on the 91st Highlanders Athletic Association as at 1990 June 30, and the Statement of Income, Expenditure and Surplus (Deficit) for the year then ended.

In discussion it was suggested that any profits from the Indoor Games up to 50% of the requested \$50 000 grant be returned to the City. Mr. Don Bowman, President of the Association, explained that if any profits are required to be paid back to the City, the Association will be unable to build up any reserve or surplus for the following year's event, with the result that the Association would be carrying some payables on the books.

Alderman Ross suggested that in 1991 the Finance and Administration Committee should discuss alternate funding arrangements similar to the guarantee given to the Hamilton Air Show by the Region. He explained that the Region guarantees to underwrite losses up to a certain amount in the event of inclement weather.

Mr. Bowman assured the Committee that if the Association realize a profit following the 1991 games, they will come back to the Finance and Administration Committee with an application for a reduced grant amount. He proceeded to explain that if projections exceed future projections, the Association will definitely come back with a reduced request. He added, however, that the Association cannot lose perspective of the elementary and highschool participation in the Spectator Indoor Games.

Following consideration the Committee agreed to submit the following recommendations to City Council for approval:

- (a) That a grant in the amount of \$50 000 be made to the 91st Highlanders Athletic Association to be used to assist in defraying expenses to be incurred in staging the 1991 Hamilton Spectator Indoor Games to be held at Copps Coliseum 1991 January 10 and 11.
- (b) That this grant be financed from the 1991 Grant Budget Allocation.

3. MEMORIAL GARDEN - SPONSORED BY THE "END THE VIOLENCE MONTREAL MASSACRE MEMORIAL COMMITTEE"

The Committee had before it a report of the Director of Property dated 1990 September 12 recommending that permission be granted to the Women's Centre of Hamilton-Wentworth to place a rock mounted plaque upon the grounds of City Hall, and that approval be given to the following wording to be contained on the plaque: "End the Violence in memory of the women murdered in Montreal December 6, 1989 and in memory of all women who have been victims of violence."

Mrs. D. deVlaming, President of the Women's Centre, was in attendance to answer any questions the Committee might have regarding their request.

With respect to the wording on the proposed plaque, Alderman Copps submitted that she was opposed to the memorial referring to the Montreal massacre. She stated that the plaque should read: "End the violence against women".

It was moved by Alderman Copps, seconded by Alderman Ross, that the wording on the proposed plaque be referred to the Memorial Committee requesting that consideration be given to amending the wording to eliminate reference to the Montreal massacre. Motion lost on a vote of 2 - 6.

It was subsequently moved by Mayor Morrow, seconded by Alderman Agostino, that the following recommendations as outlined in the report of the Director of Property dated 1990 September 12 be submitted to City Council for approval:

- (a) That permission be granted to the Women's Centre of Hamilton-Wentworth as represented by its sub-committee, "End the Violence Montreal Massacre Memorial Committee" to place a rock mounted plaque within an existing floral display upon the grounds of City Hall, at a location slightly west of the north-west corner of the building in accordance with the Policy to Govern and Regulate the Installation of Commemorative Plaques, Memorials, Monuments, Time Capsules and Trees upon City Hall Grounds adopted by City Council 1988 September 27.
- (b) That approval be given to the following wording to be contained on the plaque:

"End the Violence in memory of the women murdered in Montreal December 6, 1989 and in memory of all women who have been victims of violence."

End the Violence Montreal Massacre Memorial Committee,
December 6, 1990.
- (c) That the City Solicitor be directed to prepare an agreement between the City and the Women's Centre covering the proposal.

4. PROCEDURE FOR REVIEWING THE DRAFT HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

As outlined in a report of the Commissioner of Human Resources dated 1990 September 14, the Committee approved the following recommendations:

- (a) That the Finance and Administration Committee receive the draft Human Resource Policies and Procedures Manual of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
- (b) That the Chairman of the Finance and Administration Committee be authorized to discuss with the Chairman of the Finance and Personnel Committee of the Region the structure and composition of a joint City/Region sub-committee which will have a mandate to:
 - (i) Forward copies of the draft policy and procedure manual to interested parties, which should include, but not be limited to, civic and regional unions, the Mayor's Race Relations Committee, the Ontario Human Rights Commission, the Status of Women Committee, and the Committee for the Disabled.
 - (ii) Receive written submissions in response to such circulation and to hold such meetings and discussions with interested parties as are deemed necessary.
 - (iii) To make such amendments and changes to the draft Policies and Procedures as are deemed necessary.
 - (iv) At the completion of their task, forward to City Council and Regional Council recommendations to adopt and approve Policies and receive Procedures for the implementation of those Policies.

5. CELEBRATION OF THE FIFTEENTH ANNIVERSARY OF TWINNING WITH FUKUYAMA, JAPAN

As outlined in a report of Mayor R. Morrow dated 1990 September 11, the Committee agreed to submit the following recommendations to City Council for approval:

- (a) That the City of Hamilton host a civic reception at the Hamilton Convention Centre on the occasion of the Fifteenth Anniversary of the Twinning with Fukuyama, Japan, for Mayor Makimoto's delegation, members of City Council, and representatives of the Mundialization Committee, Japanese Culture Centre, and other community leaders, at a cost not to exceed \$8 000.
- (b) That the cost to host this reception be financed from the Unclassified Account.

6. CANADIAN FOOTBALL LEAGUE DRAFT - FEBRUARY 1991

As outlined in a report of Mayor R. Morrow dated 1990 September 7, the Committee agreed to submit the following recommendations to City Council for approval:

- (a) That the City of Hamilton host a civic reception at a cost not to exceed \$9 000 for the Canadian Football League Board of Directors, media and local officials in connection with the CFL Draft, which will be held in the City of Hamilton on Friday, 1991 February 15.
- (b) That the cost to host this reception be provided for in the Special Civic Reception and Delegation Hostings 1991 Budget Account No. CH55314 84010.

7. CITY OF HAMILTON RELATIONS WITH THE PEOPLE'S REPUBLIC OF CHINA

The Committee had before it a copy of the resolution of Mayor Morrow respecting relations with The People's Republic of China which was referred to the Finance and Administration Committee with instructions that they consult with the Mundialization Committee and the Hamilton Chinese Community.

The Committee also had before it a copy of a report from the President of the Hamilton Mundialization Committee dated 1990 September 13 containing recommendations from their meeting held Wednesday, 1990 September 12 with representatives of the Hamilton Chinese Community.

Following consideration the Committee agreed to submit the following recommendations to City Council for approval:

- (a) That the Council of the Corporation of the City of Hamilton maintain and develop people to people and city to city linkages furthering mutual understanding and dialogue with the People's Republic of China and that official delegations and exchanges with our twin City of Ma'anshan continue and that the resolution of City Council of 1989 November 14 suspending official delegation exchanges and imposing a suspension be rescinded.
- (b) That, as recommended by the Hamilton Mundialization Committee, the Council of the Corporation of the City of Hamilton officially recognize the delegation from Ma'anshan arriving in September 1990.
- (c) That a copy of this resolution be forwarded to the Federation of Canadian Municipalities for their information.

NOTE: At its meeting of 1989 June 27, City Council agreed that the planned visit of a Chinese delegation from Ma'anshan, China, which was scheduled to take place in October 1989 be suspended and further that a review of the twinning between the City of Hamilton and Ma'anshan, China be undertaken in consultation with the Mundialization Committee and the Hamilton Chinese Community. Meetings were held with members of the Hamilton Mundialization Committee and representatives of the Hamilton Chinese Community and as a result, suspension of twin city relationships with Ma'anshan, China was implemented and in effect to this date.

The above resolution renewing relationships is consistent with the Canadian Federal Government's formal policy towards China, the Federation of Canadian Municipalities, and other major Canadian cities.

Attached hereto as Appendix "B" is a copy of the Hamilton Mundialization Committee's report dated 1990 September 13 containing recommendations from their meeting held 1990 September 12.

8. HEIRLOOM PUBLISHING INC. - INTRODUCTION TO "ALLEGIANCE: THE ONTARIO STORY"

The Committee had before it a copy of a letter from Mr. Paul R. Hultslander, Director of Sales, Heirloom Publishing Inc., dated 1990 September 5, requesting an opportunity to meet with the Finance and Administration Committee to discuss the possibility of the City purchasing pages of space in their new publication.

The Committee authorized the Secretary to make the necessary arrangements for Mr. Hultslander to attend the next meeting of the Finance and Administration Committee to make a presentation on the new publication.

9. SAMARITAN PLACE - "THE LIVING MEMORIAL"

The Committee had before it a copy of a letter from the Director of Fund Raising for Samaritan Place - "The Living Memorial", which was referred to the Finance and Administration Committee by City Council for consideration. In a memorandum dated 1990 September 17 the Secretary advised that at its meeting held 1990 August 23 the Finance and Administration Committee was in receipt of a copy of a letter from Mr. Douglas B. Sheppard, Mayor of Gander, advising that the Gander-Masonic Memorial Complex Inc. would be approaching various groups and organizations in the United States and Canada seeking financial support for the memorial honouring the soldiers of the 101st Airborne Division who lost their lives in the tragic Arrow Air Disaster 1985 December 12. The Finance and Administration Committee at that time directed that Mayor Sheppard's letter be received.

The Committee directed that the letter from the Director of Fund Raising for the Samaritan Place also be received.

10. DISASTER RELIEF FUNDS - ALDERMAN D. ROSS

This item was deferred to the next regular meeting of the Committee.

11. UNAUTHORIZED DUMPING OF DEBRIS BY TRUCKERS - ALDERMAN D. AGOSTINO

This item was deferred to the next regular meeting of the Committee.

12. TAXI ADVISORY COMMITTEE - ILLUMINATED ROOF SIGNS FOR TAXI CABS

As outlined in a report of the Secretary of the Taxi Advisory Committee dated 1990 September 12, the Committee agreed to submit the following recommendations to City Council for approval:

- (a) That Licensing By-law No. 79-323, as amended, be further amended to provide for rooftop advertising on taxi cabs.
- (b) That the City Solicitor be authorized and directed to prepare a By-law to amend Licensing By-law No. 79-323 for submission to City Council to reflect this provision for rooftop advertising.

13. CITY GRANT POLICY AND GRANT APPLICATION

The Committee had before it a report from the Secretary of the Parks and Recreation Committee dated 1990 August 29 recommending amendments to the City's Grant Application and Policy.

As outlined in a report of the Secretary of the Finance and Administration Committee dated 1990 September 17, the Committee agreed that the report of the Parks and Recreation Committee be referred to the Grant Review Group to be included in their overall review of the Grant Application and Policy.

14. MEMBERSHIP ON THE CITY OF HAMILTON LICENSING COMMITTEE BY-LAW NO. 89-30

As a result of the resignation of Alderman D. Christopherson due to his election to the Provincial Legislature, there is now a vacancy on the five member City of Hamilton Licensing Committee.

As outlined in a report of the City Clerk dated 1990 September 19 the Committee agreed to recommend to City Council that the City Solicitor be authorized and directed to prepare a by-law to amend By-law 89-30 respecting membership on the City of Hamilton Licensing Committee, and that the amending by-law be submitted to City Council concurrently with the Committee resolution.

15. ASSOCIATION OF MUNICIPALITIES OF ONTARIO CONVENTION, 1990 AUGUST 19 - 22, TORONTO, ONTARIO

The Committee received a report of Alderman B. Hinkley, Chairman, dated 1990 September 17 on his attendance at the annual convention of the Association of Municipalities of Ontario held in the City of Toronto August 19-22, 1990.

IN-CAMERA AGENDA

The Committee retired to meet in-camera to discuss private and confidential reports of the City Solicitor regarding settlements of claims.

Reconvening in open session, the Committee agreed to submit the following recommendations to City Council for approval as recommended by the City Solicitor in various reports.

1. That, with respect to City of Hamilton -ats- Peace/Huntington Park Tennis Club, the City of Hamilton consent to the dismissal of Ontario Court of Justice (General Division) Action No. 13897/89, without costs.
2. (a) That the City of Hamilton offer to settle District Court of Ontario Action No. 11966/88 by the payment of \$7 392.75 inclusive of pre-judgment interest, legal costs and disbursements to the Plaintiff, Margaret Rose Poyton.
(b) That the Plaintiff, Margaret Rose Poyton, be required to provide a Full and Final Release to the City of Hamilton in a form satisfactory to the City Solicitor and that District Court of Ontario Action No. 11966/88 be dismissed as against the City of Hamilton.

3. That, with respect to City of Hamilton and Ferguson -v- Walsh and Brown Boggs Foundry and Machine Company Limited, the City consent to the dismissal of Ontario Court of Justice (General Division) Action No. 10850/88, and counter-claim, without costs.
4.
 - (a) That, with respect to City of Hamilton -ats- Rizzotto, the Corporation of the City of Hamilton consent to an Order dismissing this action and all counterclaims by and against the Defendant, Sheila Copps, on a without costs basis.
 - (b) That the City of Hamilton offer to settle this matter by the payment of \$3 000 to the Plaintiffs, Carmen Rizzotto and Vicki Rizzotto, in the following terms:
 - (i) That the Defendant, The Corporation of the City of Hamilton, pay to the Plaintiffs, Carmen Rizzotto and Vicki Rizzotto, the sum of \$3 000 inclusive of all damages, prejudgment interest, legal costs and disbursements.
 - (ii) That this action be dismissed together with all counterclaims by and against The Corporation of the City of Hamilton.
 - (iii) That if this Offer to Settle is accepted within thirty days of its date there shall be no Order as to costs.
 - (iv) That if this Offer to Settle is accepted after thirty days from its date that the Defendant, The Corporation of the City of Hamilton, shall be entitled to receive its party/party costs from the date of the Offer forward to be agreed or assessed.
 - (v) That this Offer remain open for acceptance until withdrawn or until the commencement of Trial, whichever first occurs.
5. That, with respect to City of Hamilton -ats- Lillian Peppard, the City of Hamilton offer to settle this matter by the payment of \$2 500 to the Plaintiff, Lillian Peppard, on the following basis:
 - (i) The City of Hamilton pay to the Plaintiff, Lillian Peppard, the sum of \$2 500 inclusive of all damages, interests, costs and disbursements.
 - (ii) That the action and all crossclaims by and against the Corporation of the City of Hamilton be dismissed.
 - (iii) That if this Offer is accepted within thirty days of its date there shall be no Order as to costs.
 - (iv) That if this Offer is accepted after thirty days from its date The Corporation of the City of Hamilton shall be entitled to be paid its party/party costs to be agreed or assessed.
 - (v) That this Offer remain open for acceptance until withdrawn or the commencement of trial whichever first occurs.

6. (a) That the City of Hamilton offer to settle Ontario Court of Justice (General Division) Action No. 12700/88 by the payment of \$6 229.44 inclusive of prejudgment interest, legal costs and disbursements to the Plaintiffs, Dale Fazekas and Andrew Fazekas.
- (b) That the Plaintiffs, Dale Fazekas and Andrew Fazekas, be required to sign a Full and Final Release to the City of Hamilton in the form satisfactory to the City Solicitor and that Ontario Court of Justice (General Division) Action No. 12700/88 be dismissed as against the City of Hamilton.

The meeting then adjourned.

Taken as read and approved,

ALDERMAN B. HINKLEY, CHAIRMAN
FINANCE & ADMINISTRATION COMMITTEE

John Thompson, Secretary
Finance and Administration

B.

CITY OF HAMILTON
- RECOMMENDATION -

SEP 20 1990

DATE: 1990 September 19

REPORT TO: Mr. J. D. Thompson, Secretary
Finance and Administration Committee

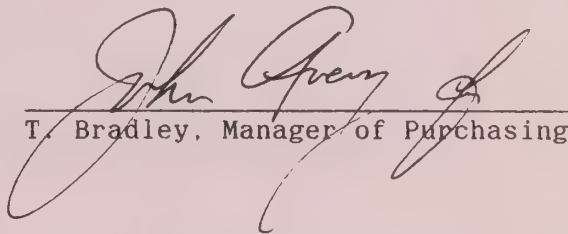
FROM: Mr. T. Bradley
Manager of Purchasing

SUBJECT: SUPPLY AND DELIVERY OF PANASONIC VIDEO EQUIPMENT,
HAMILTON FIRE DEPARTMENT

RECOMMENDATION:

That a purchase order be issued to Hill's Video Centre, Hamilton, in the amount of \$17 007.84 to supply and deliver Panasonic Video Equipment to the Hamilton Fire Department, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Only tender received. Funds provided in Operating Equipment and Training Program Account #CH58005 48001 (\$9 000) and CH55204 48035 (\$8 007.84).



T. Bradley, Manager of Purchasing

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

BACKGROUND:

Inquiries to suppliers who did not bid reveal that this company is the sole supplier of Panasonic equipment in the area.

C.

CORPORATION OF THE CITY OF HAMILTON
MEMORANDUM

TO: Mr. J. D. Thompson, Secretary
Finance and Administration Committee

YOUR FILE:

FROM: Miss Tina Agnello, Secretary
Comprehensive Audit Sub-Committee

OUR FILE:
PHONE: 546-2729

SUBJECT: CONSULTANT TO CONDUCT A
COMPREHENSIVE AUDIT, LICENCE DIVISION
CITY CLERK'S DEPARTMENT

DATE: 1990 September 27

Please be advised that at the Comprehensive Audit Sub-Committee meeting of September 26, 1990, the following recommendation was forwarded to the Finance and Administration Committee for approval:

That a purchase order be issued to Ernst & Young Management Consultants, Hamilton, in the amount of \$45,500.00 to conduct a comprehensive audit of the Licence Division, City Clerk's Department in accordance with the Request for Proposal issued by the Manager of Purchasing and Vendor's submission.

NOTE: Lowest acceptable of four (4) proposals received. Funds provided in Comprehensive Audit Account No. CH56394 24101.

Tina Agnello
JA

FOR ACTION

REPORT TO: T. Agnello, Secretary
Comprehensive Audit Sub-Committee

FROM: Mr. T. Bradley
Manager of Purchasing

Mr. E. C. Matthews
Treasurer

DATE: 1990 September 10

COMM FILE:

DEPT FILE:

SUBJECT: CONSULTANT TO CONDUCT A COMPREHENSIVE AUDIT, LICENCE DIVISION,
CITY CLERK'S DEPARTMENT

RECOMMENDATION:

That a purchase order be issued to Ernst & Young Management Consultants, Hamilton, in the amount of \$45,500.00 to conduct a comprehensive audit of the Licence Division, City Clerk's Department in accordance with the Request for Proposal issued by the Manager of Purchasing and Vendor's submission.

NOTE: Lowest acceptable of four (4) proposals received. Funds provided in Comprehensive Audit account #CH 56394 84101

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

BACKGROUND: Proposal Analysis

Ernst & Young, Hamilton	\$45,500.00
Peat Marwick Throne, Burlington	45,600.00
Coopers & Lybrand Consulting Group, Kitchener	47,350.00
Price Waterhouse, Hamilton	54,000.00

This proposal was advertised and fourteen consulting firms were invited to bid. Richter & Associates were unable to present a bid.

**COMPREHENSIVE AUDIT OF THE LICENCE
DIVISION OF THE CITY CLERK'S DEPARTMENT**

FEE BUDGET

Revised: August 28, 1990
to include Legal Review

<u>Name</u>	<u>Budgeted hours</u>	<u>Hourly rates</u>	<u>Fee budget</u>
Project Director • B. Townsend	10	\$250	\$ 2,500
Team Leader • B. Paquette	50	200	10,000
Consultant • S. Thomson	180	130	23,400
Technical Experts			
• M. Tory	8	250	2,000
• B. Caine	4	250	1,000
• G. Morritt	16	150	2,400
Legal Review			
<i>Kingsmill Ross McBride</i>			
• R. Plant	32	225	7,200
• D. Meagher	40	120	<u>4,800</u>
Subtotal			53,300
Discount (approximately 20%)			<u>(10,300)</u>
Professional Fees			43,000
Expenses			<u>2,500</u>
Total Budget			<u>\$45,500</u>

4th Floor
100 King Street West
Hamilton, Canada L8P 1A2
Tel: (416) 526-8880
Fax: (416) 526-9935

August 29, 1990

Mr. David King, CMA
Manager of Internal Controls
Treasury Department
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Mr. King:

We are pleased to provide this letter as an addendum to our original proposal, submitted July 24, 1990 pertaining to the Comprehensive Audit of the Licence Division of the City Clerk's Department. Based upon our discussions with yourself and Mr. Dembe, we have engaged the services of Kingsmill Ross McBride to provide the legal review required as part of the comprehensive audit. The work to be performed by Kingsmill Ross McBride will entail the following:

- A review of all present procedures and by-laws and the administration of these together with the applicable legislation. This review will ensure that no present practice or by-law is ultra vires the powers of Council or its Licence Division. Where it is the lawyer's opinion there is, or appears to be, the possibility of actions which are ultra vires, recommendations will be made to remove such problems.
- The legal review will also enquire into the relationships presently in place between the Licence Division and other departments of the City. To the extent that there are implications in the present practices of the various departments and the Division of a legal nature as opposed to an administrative nature, specific review will be conducted.

Mr. Raymond Plant, Q.C. will be the partner in charge of the legal review undertaken by Kingsmill Ross McBride. As his attached resumé notes, Mr. Plant has extensive experience in the area of municipal law. He will direct the day-to-day involvement of another partner, Mr. Brian Duxbury and an associate, Mr. Darragh Meagher, whose resumé's are also attached for your review.

Kingsmill Ross McBride take full responsibility for the legal opinions that will be rendered and the final audit document will contain a statement to this effect.

In order to incorporate the additional legal review component into the scope of the comprehensive audit, we have amended our firm upset price to \$45,500, inclusive of all expenses. As outlined in our original proposal, should the assignment necessitate less than the anticipated effort to complete we will undertake to bill you only for the time spent, in accordance with the terms outlined in our original proposal.

Should you have any further questions pertaining to our original proposal or to this addendum, please do not hesitate to contact either Gar Morritt at (519) 672-6100 or Brooke Townsend at (416) 526-8880.

Yours truly,

Ernst & Young

G.W. Morritt/ph
Attach.

RAYMOND MICHAEL PLANT, Q.C.

POSITION: Partner - Kingsmill Ross McBride

EDUCATION: Mr. Plant was educated at the University of Windsor
Bachelor of Arts 1955
Three years study of Theology, London, Ontario 1958
Bachelor of Law Degrees, Osgoode Hall, Toronto 1963
Called to the Bar by Upper Canada Law Society, 1965
In practice for 24 years - 20 years of which have been exclusively devoted to Municipal Law

EXPERIENCE: Member and partner of Lawyer Beatty, Brampton, Ontario for 10 years
Joined the Regional Municipality of Hamilton-Wentworth in December 1974 as its first full time Regional Solicitor holding this post until March of 1988
Installed as Queen's Counsel in 1981

PROFESSIONAL ASSOCIATIONS: Law Society of Upper Canada
Canadian Bar Association
Hamilton Law Association
Past Coordinator of all sections of Canadian Bar Association of Ontario - 1982-1984
Past Secretary of Hamilton Law Association - 1982-1985
Past Chairman of Municipal Law Section Canadian Bar Association - 1981
Past President of St. Thomas More Lawyers Guild, Hamilton - 1981-1982

LECTURES AND PUBLICATIONS: Mr. Plant has given special lectures and appeared on panels with the Law Society and Canadian Bar Association with talks and papers on the New Planning Act - Official Plans 1983, Freedom of Information and Protection of Privacy Act 1986, Status of Legislation of Non-Conforming Uses 1989 - Papers published in Moreana International Journal, France 1984-1988 - Canadian Clergy Review 1988 - University of Saskatchewan on Historical Development of English Law 1989

BRIAN DONALD DUXBURY

POSITION: Partner - Kingsmill Ross McBride

EDUCATION: Mr. Duxbury was educated at the University of Toronto (Trinity College) and graduated with a Bachelor of Arts Degree (majoring in philosophy) in 1978
Bachelor of Law Degree, Osgoode Law School, York University, 1981
Called to the Bar by the Law Society of Upper Canada in 1983

EXPERIENCE: Partner in the Law Firm of Kingsmill Ross McBride specializing in the areas of Municipal, Administrative and Environmental Law.

PROFESSIONAL ASSOCIATIONS: Law Society of Upper Canada
Canadian Bar Association
Hamilton Law Association
Executive Member of the Canadian Bar Association
Municipal Law Section

OTHER ASSOCIATIONS: Past Chairman of the Board of Governors of the West Haldimand General Hospital

DARRAGH HAMILL MEAGER

POSITION: Associate - Kingsmill Ross McBride

EDUCATION: Bachelor of Law Degree, Osgoode Hall Law School, 1987
Called to the Bar by the Law Society of Upper Canada, 1989

EXPERIENCE: Associate with the Law Firm of Kingsmill Ross McBride specializing in the areas of Municipal and Environmental Law and Commercial Litigation

PROFESSIONAL ASSOCIATIONS: Law Society of Upper Canada
Canadian Bar Association
Canadian Bar Association, Municipal Law Section
Hamilton Law Association

CITY OF HAMILTON
- RECOMMENDATION -

D(i)

SEP 26 1990

DATE: 1990 September 21

REPORT TO: Mr. J. D. Thompson, Secretary
Finance and Administration Committee

FROM: Mr. J.J. Schatz
Deputy City Clerk

SUBJECT: Flying of the Lung Association Flag -
City Hall

RECOMMENDATION:

That the request of the Lung Association to fly the Lung Association Flag during the months of 1990 November and December during the Christmas Seal Campaign, be approved.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

cc: Mayor's Office

Mr. R. Swan, Manager
Property Maintenance Department

file

CITY OF HAMILTON
- RECOMMENDATION -

D(ii)

SEP 26 1990

DATE: 1990 September 21

REPORT TO: Mr. J. D. Thompson, Secretary
Finance and Administration Committee

FROM: Mr. J.J. Schatz
Deputy City Clerk

SUBJECT: Flying of Colony of Delta Upsilon Fraternity Flag -
City Hall

RECOMMENDATION:

That the request of McMaster University Delta Upsilon Colony to fly the Delta Upsilon Colony flag at City Hall on 1990 November 17 in recognition of the Colony of Delta Upsilon Fraternity becoming a full fraternity, be approved.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

cc: Mayor's Office

Mr. R. Swan, Manager
Property Maintenance Division

file

CITY OF HAMILTON
- RECOMMENDATION -

D(iii)

SEP 26 1990

DATE: 1990 September 21

REPORT TO: Mr. J. D. Thompson, Secretary
Finance and Administration Committee

FROM: Mr. J.J. Schatz
Deputy City Clerk

SUBJECT: Flying of Hungarian Flag -
City Hall

RECOMMENDATION:

That the request of the Hungarian Community of Hamilton to fly the Hungarian flag at City Hall on 1990 October 23 in recognition of Hungarian Day in Hamilton, be approved.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

cc: Mayor's Office

Mr. R. Swan, Manager
Property Maintenance Department

file

CITY OF HAMILTON
- RECOMMENDATION -

D(iii)

SEP 27 1990

DATE: 1990 September 27

REPORT TO: Mr. J. D. Thompson, Secretary
Finance and Administration Committee

FROM: Mr. J. J. Schatz
Deputy City Clerk

SUBJECT: Hamilton-Wentworth Regional Police Community
Services Branch - Use of City Hall

RECOMMENDATION:

That permission be granted to the Hamilton-Wentworth Regional Police Community Services Branch to use the first and second floors, including the City Clerk's foyer, at City Hall on 1990 November 05 from approximately 2:00 to 8:00 p.m. for a Home Security Fair during National Crime Prevention Week.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

National Crime Prevention Week is designed to encourage the public to get involved in crime prevention. The aims of the Fair will be:

- (a) Promote physical home security through the use of security hardware.
- (b) Show the public what types of security hardware and equipment is available today.
- (c) Put the buying public in contact with the suppliers.

Finance & Administration Committee
re: Crime Prevention Week

... 2

Goods will only be displayed at the fair and no direct sales will be made. No admission charge will be made to the public and no stand rental fee to the suppliers.

cc: Mayor's Office

Mr. R. Swan, Manager
Property Maintenance Department

Mrs. R. Morrison
City Clerk's Office

Information Desk

file

D(v)

CITY OF HAMILTON
- RECOMMENDATION -

SEP 28 1990

DATE: 1990 September 27

REPORT TO: Mr. J. D. Thompson, Secretary
Finance and Administration Committee

FROM: Mr. J. J. Schatz
Deputy City Clerk

SUBJECT: Use of City Hall - Hamilton-Burlington Branch
Canadian Abortion Rights Action League

RECOMMENDATION:

That the request of the Hamilton-Burlington Branch of the Canadian Abortion Rights Action League to use the first floor and forecourt of City Hall on Saturday, 1990 October 13 from 11:00 a.m. to 1:00 p.m. for a "Reproductive Rights Fair", including the use of the following equipment, be approved:

- | | |
|--------------------------|------------------|
| (a) Outside P.A. system. | (d) Eight Chairs |
| (b) Microphone and line. | (e) Podium |
| (c) Four 6-foot tables. | |

Sufficient funds are available in Property Maintenance Division Account No. CH 55222-10034 for staff overtime associated with this event.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

cc: Mayor's Office
Mr. R. Swan, Manager, Property Maintenance Division
Mrs. R. Morrison, City Clerk's Office
Information Desk
file

CITY OF HAMILTON
- RECOMMENDATION -

E(i)

DATE: 1990 September 27

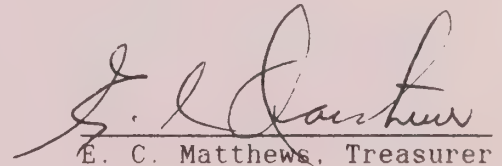
REPORT TO: Mr. J. D. Thompson, Secretary
Finance and Administration Committee

FROM: Mr. E. C. Matthews
Treasurer

SUBJECT: FINANCING APPRAISAL COSTS - CRESCENT OIL PROPERTY

RECOMMENDATION:

That the estimated cost of \$4,000 to obtain an independent appraisal for the Crescent Oil property at 136 Cannon Street West, as approved by City Council September 25, 1990, be funded from the Reserve for Property Purchases, Centre 00102.


E. C. Matthews, Treasurer

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

- Potential costs for purchasing property at this site and possibly others is unknown at this time.

BACKGROUND:

City Council, on September 25, 1990, approved of this issue and requested the finance and Administration Committee to recommend the method of financing.

CORPORATION OF THE CITY OF HAMILTON

MEMORANDUM

SEP 27 1990

TO: Mr. J. D. Thompson, Secretary
Finance and Administration Committee

YOUR FILE:

FROM: Miss Tina Agnello, Secretary
Transport and Environment Committee

OUR FILE:
PHONE: 546-2729

SUBJECT: CRESCENT OIL PROPERTY -
136 CANNON STREET WEST

DATE: 1990 September 26

Sub-joined for your information and appropriate action is a copy of Section 1 of the **TWELFTH** Report of the **Transport and Environment Committee** adopted as amended by City Council at its meeting held September 25, 1990.

I would like to draw your attention to sub-section (d) for the Finance and Administration Committee's consideration:

T. Agnello

1. (a) That the Property Department be authorized to obtain an independent appraisal at a cost of approximately \$4,000.00 for a property known as Crescent Oil Company of Canada located at 136 Cannon Street West.
- (b) That the Property Department also provide estimated costs to acquire the property relative to the expropriation procedure.
- (c) That the Finance and Administration Committee recommend the method of financing.
- (d) That the Director of Property be directed to prepare a comprehensive list of similar "hot spot" sites for consideration by the Transport and Environment Committee.

CITY OF HAMILTON
- RECOMMENDATION -

E (ii)

DATE: 1990 September 27


REPORT TO: Mr. J. D. Thompson, Secretary
Finance and Administration Committee

FROM: Mr. E. C. Matthews
Treasurer

SUBJECT: FINANCING HOSTING COSTS FOR THE ONTARIO RECREATION
SOCIETY CONFERENCE BEING HELD IN HAMILTON IN
FEBRUARY 1991

RECOMMENDATION:

That an amount not to exceed \$4,000 be financed from the Reserve for "Hosting of Conferences with Municipal Subject Content", Centre 00126.


E. C. Matthews, Treasurer

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

- A 1991 budget for "Hosting of Conferences with Municipal Subject Content" will be contained in the accounts of the Finance and Administration Committee.
- As a decision is required in advance of the 1991 estimates, it is appropriate to charge this amount to the Reserve.

BACKGROUND:

The Parks and Recreation Committee will be considering this issue at their meeting of October 2, and have requested that the Finance and Administration committee recommend the method of financing.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1990 September 14

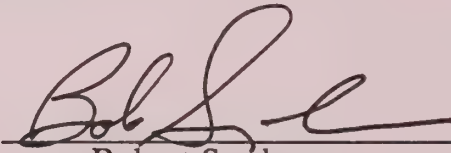
REPORT TO: Mrs. Lynn Dale, Secretary
Parks and Recreation Committee

FROM: Mr. Bob Sugden
Director of Culture and Recreation

SUBJECT: The Ontario Recreation Society Annual Conference

RECOMMENDATION:

- (a) That the Corporation of the City of Hamilton sponsor a civic luncheon and a hospitality program at the Ontario Recreation Society Conference being held in Hamilton at the Convention Centre in February 1991 with costs not to exceed \$4,000.00.
- (b) That the Finance and Administration Committee be requested to recommend the method of financing this expenditure.



Robert Sugden,
Director of Culture & Recreation

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Costs not to exceed \$4,000. from the 1991 conference account.

BACKGROUND:

Hamilton is part of the Ontario Recreation Society organizing committee for the conference which generally attracts 400 - 500 delegates for 4 - 5 nights.

Hamilton staff will attend the conference and civic officials will be invited to all functions.

A full conference outline and program is now being prepared.

c.c. E. Matthews, City Treasurer
J. Thompson, Secretary Finance & Administration Committee

CITY OF HAMILTON
- RECOMMENDATION -

E (iii)

SEP 27 1990

DATE: 1990 September 27

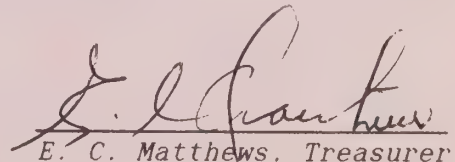
REPORT TO: Mr. J. D. Thompson, Secretary
Finance and Administration Committee

FROM: Mr. E. C. Matthews
Treasurer

SUBJECT: FINANCING THE INCREASED COST OF \$20,000 FOR CITY'S
SHARE FOR THE CONSTRUCTION OF SIDEWALKS ON UPPER
PARADISE ROAD BETWEEN STONE CHURCH ROAD AND LUNNER
AVENUE

RECOMMENDATION:

- (a) That the City Solicitor be authorized to make application for the increased City's cost by \$20,000 from the previous \$27,657.63 to the Ontario Municipal Board for approval to construct independent concrete sidewalks on Upper Paradise Road between Stone Church Road and Lunner Avenue at an estimated cost of owner's share of \$92,568.00, as well as City's share of \$47,657.00 revised from \$27,657.63, by the issuance of debentures totalling \$140,225.00 (revised from previous total of \$120,226.63) for a period not to exceed 20 years.
- (b) That application be made to the Regional Municipality of Hamilton-Wentworth to issue debentures in the revised total amount of \$140,225.00 from previous \$120,225.63 for a term not to exceed 20 years for the above project.


E. C. Matthews, Treasurer

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

See above recommendation. This project is included in the 1990-1994 Capital Budget as part of Project No. 026.1, City's share and Project No. 117.1, Owner's share to commence in 1990.

BACKGROUND:

Please note that the financing of this project was previously approved under item 15 of the 20th Report of the Finance and Administration Committee adopted by Council July 31, 1990. The cost is now being revised due to the tender price exceeding the original estimate.

The increased cost of this item will be approved by the Transport and Environment Committee on October 1, 1990.

c.c. Mr. T. Gill, Acting Commissioner of Engineering
Ms. T. Agnello, Secretary Transport and Environment Committee
Ms. P. Noé Johnson, City Solicitor

CORPORATION OF THE CITY OF HAMILTON

MEMORANDUM

TO: Mr. J. D. Thompson, Secretary
Finance and Administration Committee

YOUR FILE:

FROM: Miss Tina Agnello, Secretary
Transport and Environment Committee

OUR FILE:
PHONE:

SUBJECT: INCREASE IN CITY'S PORTION - DATE: 1990 September 25
OF COST TO CONSTRUCT CONCRETE SIDEWALKS
ON UPPER PARADISE ROAD BETWEEN STONE CHURCH ROAD
AND LUNNER AVENUE

Attached please find a report from the Acting Commissioner of Engineering regarding the above-noted matter.

Please note that the Finance and Administration Committee is to recommend the amount and source of funds for this project.



Attachment

SEP 24 1990

F O R A C T I O N

REPORT TO: T. AGNELLO, SECRETARY
 TRANSPORT AND ENVIRONMENT COMMITTEE

FROM: E. M. GILL, P.ENG.
 ACTING COMMISSIONER OF ENGINEERING

DATE: September 18, 1990
COMM FILE: 3-11.10.2
DEPT FILE: 821-55

SUBJECT:

Increase in the City's portion of the cost to construct independent concrete sidewalks on Upper Paradise Road between Stone Church Road and Lunner Avenue.

RECOMMENDATIONS:

- a) That an increase in cost of \$20,000, from \$120,225 to \$140,225, be provided for the construction of independent concrete sidewalks on Upper Paradise Road between Stone Church Road and Lunner Avenue.
- b) That the Finance and Administration Committee be requested to recommend the amount and source of funds to be provided for the increase in cost of this Capital Project.

E. M. Gill

E. M. Gill, P.Eng.
Acting Commissioner of Engineering

FINANCIAL IMPLICATIONS:

The additional amount required is \$20,000. Therefore, it is necessary to increase the City's share by \$20,000.

Provision for these works has been provided for in the 1990-1994 Capital Budget.

BACKGROUND:

This project was approved by Council on July 31, 1990, as Section 12 of the 10th Report of Committee.

Cont'd ...

September 18, 1990

Increase in the City's portion of the cost to construct independent concrete sidewalks on Upper Paradise Road between Stone Church Road and Lunner Avenue.

Cont'd

Tenders have been received for this work with the low bid exceeding the estimated cost. With allowances for engineering, overhead and contingencies, the increase in the City's share is \$20,000.

LR LR:ccc

cc: E. C. Matthews, City Treasurer
cc: G. Lawson, Commissioner of Finance
cc: K. Avery, Clerk, City of Hamilton
cc: D. Y. Onishi, Director of Engineering Services
cc: P. Noe Johnson, City Solicitor

CITY OF HAMILTON
- RECOMMENDATION -

E(iv)

DATE: 1990 September 27

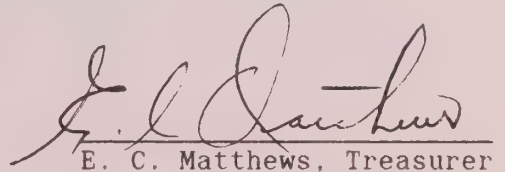
REPORT TO: Mr. J. D. Thompson, Secretary
Finance and Administration Committee

FROM: Mr. E. C. Matthews
Treasurer

SUBJECT: FINANCING COST OF NOISE ABATEMENT

RECOMMENDATION:

That the approximate cost of \$1,000 to investigate and respond to possible noise complaints in connection with McMaster University Homecoming Weekend, be funded by means of an approved overdraft within the accounts of the Pollution Control budget.



E. C. Matthews, Treasurer

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

- Chargeback by the Region for Pollution Control services is estimated at \$66,100 for 1990; this recommendation will effectively increase this budget to \$67,100 for 1990.

BACKGROUND:

The Transport and Environment Committee at their meeting of October 1, 1990, will be considering this issue, and have requested that the Finance and Administration Committee recommend the method of financing.

F O R A C T I O N

REPORT TO: T. AGNELLO, SECRETARY
 TRANSPORT AND ENVIRONMENT COMMITTEE

FROM: L. FRANCO
 DIRECTOR OF ADMINISTRATION

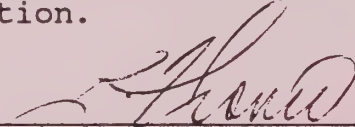
DATE: 1990 Sept 25
COMM FILE: 3-11.9.12
DEPT. FILE: E551-02

SUBJECT

Noise Abatement
McMaster University Homecoming, October 18, 19 and 20, 1990

RECOMMENDATION

- a) That the Noise Control Officer together with an off duty police officer and cruiser respond to all noise complaints in connection with McMaster University Homecoming Weekend, October 18, 19 and 20, 1990 at a cost of approximately \$1,000.
- b) That the Finance and Administration Committee recommend the method of financing this operation.



L. Franco
Director of Administration

FINANCIAL IMPLICATIONS

The current budget for noise pollution control (copy attached) for 1990 is \$71,600 of which \$67,600 is charged back to the City of Hamilton. This budget is close to being in overdraft at the present time, and in order to provide the noise policing during this weekend, the cost would be approximately \$1,000.

BACKGROUND

Mr. Frank Westaway, Noise Control Officer, has been requested to work on October 18, 19 and 20, 1990 to handle all potential noise complaints in the Westdale area that may be created by the McMaster University Homecoming Weekend.

This year there may be more of a problem with noise complaints, since McMaster University is not allowing on campus quad parties. In order to hand all the potential noise complaints during these three days , the assistance of an off duty police officer and cruiser is required so that there would be two persons responding to all noise complaints. However, the Noise Control Officer would be responsible for issuing a fine should a violation occur.

LF:ja

PROGRAM COST SUMMARY

PROGRAM: NOISE POLLUTION CONTROL

ACCOUNT NUMBER	DESCRIPTION	1989 BUDGET	1989 ACTUAL	1990 EXISTING	1990 CHANGE	1990 BUDGET	1990 EXISTING/1990 BUDGET/ 1989 BUDGET 1989 BUDGET
402600	EXPENDITURES						
51001	Salaries	36,500	39,650	39,100	0	39,100	7.12% -100.00%
51601	Overtime	0	2,900	2,000	0	2,000	n/a n/a
51801	Employee Benefits	6,300	6,300	7,300	0	7,300	15.87% -100.00%
51805	Worker's Compensation	750	750	700	0	700	-6.67% -100.00%
53901	Supplies	3,300	1,300	4,300	0	4,300	30.30% -100.00%
55001	Rental - Car Pool	3,800	7,900	5,200	0	5,200	36.84% -100.00%
55031	Telephones	0	0	1,200	0	1,200	n/a n/a
58701	Cost Allocation - Eng. Admin.	16,950	15,800	11,800	0	11,800	-30.38% -100.00%
	TOTAL EXPENDITURES	67,600	74,600	71,600	0	71,600	5.92% -100.00%
402600	REVENUES						
48901	Miscellaneous	0	2,170	5,500	0	5,500	n/a n/a
44036	Hamilton Noise Control Bylaw (City of Hamilton Recovery)	67,600	72,430	66,100	0	66,100	-2.22% -100.00%
	TOTAL REVENUES	67,600	74,600	71,600	0	71,600	5.92% -100.00%

Existing Column Includes

53901	Supplies	
	Cellular Phone	900
	Computer Program	1,200
	Printer	300
	Monitoring Office Supplies	1,900
		4,300

HAMILTON AIRPORT

MEMORANDUM

EJ57-0 2

TO:	Mr. L. Franco Director Administration & Development	YOUR FILE:
FROM:	Mr. F. Westaway Noise Control Office Engineering/Noise Pollution Control	OUR FILE: PHONE: (416)679-4682
SUBJECT:	McMaster University Homecoming October 18, 19 and 20, 1990	DATE: 1990 September 18

The city of Hamilton's Noise Control Office has been requested to work the above noted dates in order to handle all noise complaints in the Westdale area that are created by McMaster University Students. The Homecoming Weekend is again, another extremely busy weekend for noise complaints from off-campus students and house parties.

It appears that this year will be more of a problem with noise complaints since McMaster University is not allowing on campus quad parties. Quad parties are where the residents on campus have out door parties. If you recall, it was a quad party at the Bates' residence on campus during the Frosh Week in September 1990 at McMaster that created a problem of over 100 people being arrested.

What I am requesting with the co-operation of both Alderman of the Ward, Mr. T. Cooke and Ms. M. Kiss is the following:

That the Noise Control Officer continue to respond to all noise complaints during these three days as they have done so for the past three years, only this time with the assistance of an off-duty police officer and cruiser. The purpose of working with the police officer is that there would be two persons responding to all noise complaints. The City Noise Control Officer would be responsible for issuing a fine should a violation occur.

In the past where there was a noise problem and the police were contacted by this office to respond for assistance, occasionally the time for responding by the police was well after one hour. This will hopefully be eliminated if the officer would be with the Noise Control Officer and both officers would respond together.

- 2 -

The total cost for the off-duty Police Officer and overtime for the Noise Control Officer would be \$1000.00. I would request that we work Thursday, Friday and Saturday evenings starting at 10:00 pm and ending at 4:00 am. The financing for a request like this would have to be available from some other means and not from the Noise Control Budget.

Could you please assist me in this matter or direct this matter to the appropriate persons for funding.

Yours truly,



for F. Westaway
Noise Control Office

FW/ml

CITY OF HAMILTON
- INFORMATION -

E (v)

SEP 27 1990

DATE: 1990 September 26

REPORT TO: Mr. J. D. Thompson, Secretary
Finance and Administration Committee

FROM: Mr. E. C. Matthews
Treasurer

SUBJECT: SUMMARY OF REVENUES AND EXPENDITURES FOR THE EIGHT
MONTHS ENDED AUGUST 31, 1990 COMPARED WITH BUDGET

BACKGROUND:

Attached is a Summary of Revenues, (Pages 1 and 2) and a Summary of Expenditures by Standing Committee (Page 3) for the period ended August 31, 1990, comparing budget to actual for 1990 and also comparing the current percentage of actual to budget with the previous year's percentage.

The attached report is the second status report for 1990 of the Summary of Revenues and Expenditures. As you are aware, it is over a year since the new financial system was installed by the Treasury Department covering a massive amount of information and involving a conversion to new account numbers and a shift in responsibility of "ownership" of the system from the Information Systems Department to the individual users. The system is on line - real time, which allows input to immediately update the General Ledger which can be accessed via an enquiry screen.

Development and innovation of the system is an ongoing task. Improvements and enhancements to accomplish the efficiency and effectiveness of its processing and output potential is occurring daily.

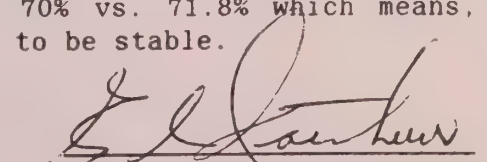
I am sending a copy of this report along with the appropriate financial information to the respective secretaries of the other three standing committees, and other committees, for their review. Each committee report contains Treasury comments.

REVENUES:

Pages 1 and 2 - Page 2, Revenues in total for 1990 are slightly higher than 1989 - 75.8% vs. 75.3% which means, overall, the position through to year end appears to be stable.

EXPENDITURES:

Page 3, Total City Expenditures for 1990 expressed as a percentage of the total approved budget are slightly lower than 1989 - 70% vs. 71.8% which means, overall, the position through to year end appears to be stable.


E. C. Matthews, Treasurer

Att'd.

c.c. Mrs. S. Reeder, Secretary, Planning and Development Committee
Mrs. L. Dale, Secretary, Parks and Recreation Committee
Ms. T. Agnello, Secretary, Transport and Environment Committee
Mr. J. Thompson, Secretary, Finance and Administration Committee
Mr. S. Dembe, Secretary, Hamilton-Scourge Committee
Mr. D. Carson, Executive Assistant to the Mayor

FINANCE AND ADMINISTRATION COMMITTEE

CITY OF HAMILTON
TREASURYFINANCIAL REPORT OF CURRENT ESTIMATES FOR THE FINANCE AND ADMINISTRATION COMMITTEE
FOR THE PERIOD ENDED AUGUST 31, 1990

DESCRIPTION (1)	APPROVED BUDGET (2)	OUTSTANDING COMMITMENTS (3)	EXPENDITURES TO DATE (4)	TOTAL (5)	PERCENT CURR YR (6)	PERCENT EXPENDED PREV YR (7)	BALANCE (8)
FINANCE AND ADMINISTRATION COMMITTEE	97,499,060	877,941	70,094,282	70,972,223	72.8	74.2	26,526,837
PARKS AND RECREATION	22,131,500	346,534	14,058,020	14,404,554	65.1	64.8	7,726,946
PLANNING AND DEVELOPMENT	6,615,360	4,026	4,315,413	4,319,439	65.3	62.7	2,295,921
TRANSPORT AND ENVIRONMENT	25,150,790	118,430	16,352,355	16,470,785	65.5	62.0	8,680,005
TOTAL STANDING COMMITTEES	151,396,710	1,346,931	104,820,070	106,167,001	70.1	66.9	45,229,709
OTHER SPECIAL COMMITTEES							
HAMILTON SCOURGE PROJECT	159,560		77,311	77,311	48.5	47.7	82,249
INFORMATION SYSTEMS	3,448,940	634,172	1,660,067	2,294,239	66.5	68.2	1,154,701
MAYOR'S RACE RELATIONS COMMITTEE	12,500		5,224	5,224	41.8	18.0	7,276
TOTAL SPECIAL COMMITTEES	3,621,000	634,172	1,742,602	2,376,774	65.6	67.3	1,244,226
TOTAL CITY EXPENDITURES	155,017,710	1,981,103	106,562,672	108,543,775	70.0	71.8	46,473,935
REGIONAL COUNCIL AND EDUCATIONAL BOARDS							
REGION	107,207,300	35,735,300	71,472,000	107,207,300	100.0	100.0	0
BOARD OF EDUCATION	159,859,200	53,286,400	106,572,800	159,859,200	100.0	100.0	0
SEPARATE SCHOOL BOARD	34,298,300	11,432,300	22,866,000	34,298,300	100.0	100.0	0
TOTAL REGIONAL COUNCIL AND EDUCATIONAL BOARDS	301,364,800	100,454,000	200,910,800	301,364,800	100.0	100.0	0
	456,382,510	102,435,103	307,473,472	409,908,575	89.8	89.6	46,473,935

TREASURY COMMENTS: The amounts and percentages shown above are consistent with the normal operations of the departments on a basis comparative to that of the prior year. Note the percentage comparisons in columns (6) and (7).

FINANCE AND ADMINISTRATION COMMITTEE

CITY OF HAMILTON
TREASURYFINANCIAL REPORT OF CURRENT ESTIMATES FOR THE FINANCE AND ADMINISTRATION COMMITTEE
FOR THE PERIOD ENDED AUGUST 31, 1990

DESCRIPTION (1)	APPROVED BUDGET (2)	OUTSTANDING COMMITMENTS (3)	EXPENDITURES TO DATE (4)	TOTAL (5)	PERCENT CURR YR (6)	PERCENT EXPENDED PREV YR (7)	BALANCE (8)
LEGISLATIVE	1,337,330	10,611	869,737	880,348	65.8	63.7	456,982
CLERK	2,644,150	16,747	1,731,230	1,747,977	66.1	66.2	896,173
CHIEF ADMINISTRATIVE OFFICE	178,080	1,050	117,111	118,161	66.4	63.5	59,919
FIRE	30,488,420	302,716	18,771,545	19,074,261	62.6	60.4	11,414,159
HUMAN RESOURCES	2,163,430		1,552,101	1,552,101	71.7	63.8	611,329
PROPERTY - REAL ESTATE	558,140	9,825	330,913	340,738	61.0	61.3	217,402
- PROPERTY	6,192,020	202,593	3,425,912	3,628,505	58.6	56.5	2,563,515
- ARCHITECT	425,940	654	262,146	262,800	61.7	56.2	163,140
CITY SOLICITORS	1,806,500	13,348	905,112	918,460	50.8	64.7	888,040
TREASURY - FINANCE	3,098,330	35,040	1,944,312	1,979,352	63.9	62.3	1,118,978
- PURCHASING	378,880	6,499	238,672	245,171	64.7	64.0	133,709
- CITY GARAGE	0	179	(10,877)	(10,698)	0.0	0.0	10,698
TOTAL DEPARTMENTS	49,271,220	599,262	30,137,914	30,737,176	62.4	60.5	18,534,044
LOCAL BOARDS							
LIBRARY	11,934,710		8,165,222	8,165,222	68.4	68.9	3,769,488
PARKING	70,290		415,029	415,029			(344,739)
H.E.C.F.I.	2,205,320		1,630,510	1,630,510	73.9	56.6	574,810
CENTRAL UTILITIES PLANT	2,724,340	177,241	1,552,916	1,730,157	63.5	63.5	994,183
TOTAL LOCAL BOARDS	16,864,370	177,241	11,348,648	11,525,889	68.3	66.1	5,338,481

FINANCE AND ADMINISTRATION COMMITTEE

CITY OF HAMILTON
TREASURYFINANCIAL REPORT OF CURRENT ESTIMATES FOR THE FINANCE AND ADMINISTRATION COMMITTEE
FOR THE PERIOD ENDED AUGUST 31, 1990

DESCRIPTION (1)	APPROVED BUDGET (2)	OUTSTANDING COMMITMENTS (3)	EXPENDITURES TO DATE (4)	TOTAL (5)	PERCENT EXPENDED CURR YR (6)	PERV YR (7)	BALANCE (8)
OTHER BUDGETS							
H.S.P.C.A.	828,910		548,280	548,280	66.1	63.1	280,630
MUNDIALIZATION COMMITTEE	7,790		1,880	1,880	24.1	46.5	5,910
STATUS OF WOMEN COMMITTEE	10,450		3,855	3,855	36.9	66.7	6,595
PUBLIC RELATIONS	165,000		81,161	81,161	49.2	54.8	83,839
RECEPTIONS AND PUBLIC EVENTS	68,000	154	66,739	66,894	98.4	44.1	1,106
GRANTS	600,000		544,727	544,727	90.8	72.1	55,273
TOTAL OTHER BUDGETS	1,680,150	154	1,246,643	1,246,798	74.2	78.1	433,352
SUBTOTAL							
	67,815,740	776,657	42,733,205	43,509,863	64.2	62.4	24,305,877
FINANCIALS							
DEBT CHARGES - LOCAL IMPROVEMENTS	477,490		477,490	477,490	100.0	100.0	0
CAPITAL LEVY	5,902,000		5,902,000	5,902,000	100.0	100.0	0
PROVISION FOR DEBT RESERVE	14,724,000		14,724,000	14,724,000	100.0	100.0	0
PROVISION FOR OTHER RESERVES	4,007,040		3,247,528	3,247,528	81.0	66.6	759,512
FINANCIAL - VARIOUS	4,006,530	101,122	2,659,738	2,760,860	68.9	78.6	1,245,670
CONTINGENCY	57,000						57,000
MISCELLANEOUS	509,260	162	350,320	350,482	68.8	60.3	158,778
TOTAL FINANCIALS	29,683,320	101,284	27,361,076	27,462,360	92.5	95.5	2,220,960

FINANCE AND ADMINISTRATION COMMITTEE

CITY OF HAMILTON
TREASURY

FINANCIAL REPORT OF CURRENT ESTIMATES FOR THE FINANCE AND ADMINISTRATION COMMITTEE
FOR THE PERIOD ENDED AUGUST 31, 1990

DESCRIPTION (1)	APPROVED BUDGET (2)	OUTSTANDING COMMITMENTS (3)	EXPENDITURES TO DATE (4)	TOTAL (5)	PERCENT EXPENDED CURR YR (6)	PREV YR (7)	BALANCE (8)
TOTAL FINANCE & ADMINISTRATION COMMITTEE	97,499,060	877,941	70,094,282	70,972,223	72.8	74.2	26,526,837

TREASURY COMMENTS: The amounts and percentages shown above are consistent with the normal operations of the departments, local boards and other accounts on a basis comparative to that of the prior year. Note the percentage comparisons in columns (6) and (7).

CITY OF HAMILTON
- RECOMMENDATION -

E(vi)

DATE: 1990 September 27

REPORT TO: Mr. J. D. Thompson, Secretary
Finance and Administration Committee

FROM: Mr. E. C. Matthews
Treasurer

SUBJECT: FINAL RELEASE OF HOLDBACK

RECOMMENDATION:

That total holdback in the amount of \$7,490.00 be released to Western Plumbing and Heating for the completion of the contract, P.O. 7515, for Renovations to the Pool Filtration System at Churchill Recreation Centre, pending receipt by the Treasury of the Standard Release Forms from the contractor and City Solicitor's Department.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Contractor is entitled to release of holdback on the 46th day after total completion.

BACKGROUND:

The contract was approved by Committee March 16, 1990 for \$74,900.00 and was totally performed as of July 31, 1990 for this sum. The 45 day lien period expired September 15, 1990 and I am recommending release of the holdback at this time pending receipt by Treasury of the necessary release forms from the contractor and City Solicitors.

F.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1990 September 21

REPORT TO: Mr. J. D. Thompson, Secretary
Finance and Administration Committee

FROM: Mr. D. W. Vyce
Director of Property

SUBJECT: Proposed Purchase of Princess Elizabeth School
- 235 Bowman Street by Municipal Non-Profit
(Hamilton) Housing Corporation
(50.20.45 - 4509)

RECOMMENDATION:

That approval be given to inform the Board of Education that the City of Hamilton and the Municipal Non-Profit (Hamilton) Housing Corporation are not interested in purchasing Princess Elizabeth School.



D. W. Vyce

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

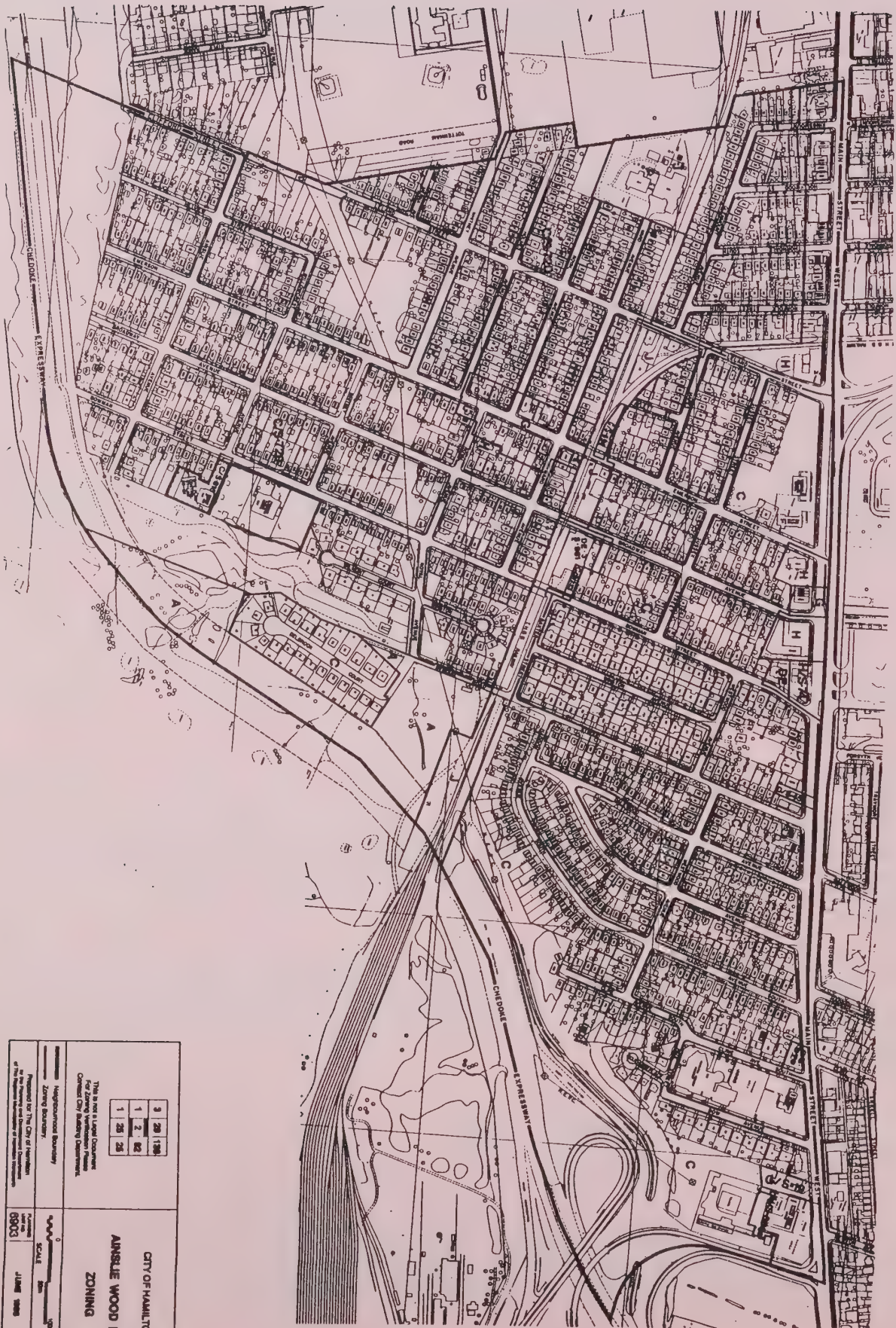
On August 28, 1990, City Council discussed the above recommendation and referred this resolution to the Municipal Non-Profit (Hamilton) Housing Corporation with instructions to review in light of the need for non-profit housing in the City of Hamilton.

On September 18, 1990 the Municipal Non-Profit (Hamilton) Housing Corporation Board met and reviewed this matter. The recommendation of the Board to purchase this property was lost on a tie vote. We therefore recommend that approval be given to advise the Board of Education that this property is not required for municipal purposes.

c.c. - Alderman T. Cooke, Alderman, Ward 1

- Alderman M. Kiss, Alderman, Ward 1

- Mr. E. W. Kowalski, Director of Community Development
Attention: Mr. Mark Mascarenhas, General Manager
Municipal Non-Profit (Hamilton) Housing Corporation



CITY OF HAMILTON
- RECOMMENDATION -

G(i)

DATE: 1990 September 26

REPORT TO: Mr. J. D. Thompson, Secretary
Finance and Administration Committee

FROM: Mr. John Johnston
Commissioner of Human Resources

SUBJECT: Appointments To and Terminations From Permanent
Positions with the Corporation of the City of
Hamilton

RECOMMENDATION:

That the attached listing of Appointments To and Terminations From Permanent positions with the Corporation to September 25, 1990 be approved.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

n/a

BACKGROUND:

for John Johnston

THE CORPORATION OF THE CITY OF HAMILTON
TERMINATIONS FROM PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON</u>	<u>LENGTH OF SERVICE</u>	<u>EFFECTIVE DATE</u>
Mr. Adam Marynowicz	Gardener I	Public Works	Resigned	7 years, 1 month	07/09/90
Mr. Gary McDonald	Foreman III (Districts)	Public Works	Resigned	1 year, 5 months	21/09/90
Ms. Cheryl Paul	School Crossing Guard	Traffic	Resigned	1 years, 8 months	07/09/90
Ms. Lisa Pickett	Historical Interpreter	Culture & Recreation	Resigned	1 month	03/09/90
Mr. John Riches	Rink Attendant	Public Works	Resigned	2 years, 3 months	07/09/90
Mr. Craig Ruscinski	Operator Central Utilities	Central Utilities Plant (Division of H.E.C.F.I.)	Resigned	6 years, 1 month	09/09/90
Ms. Grace Smith	School Crossing Guard	Traffic	Resigned	3 years, 3 months	28/06/90
Ms. Victoria Walker	Cleaner	Property	Terminated	35 years, 9 months	14/09/90
Ms. Monique Vandeworp	Control Room Clerk	Parking Authority	Resigned	1 year, 11 months	19/09/90

THE CORPORATION OF THE CITY OF HAMILTON
APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>RATE</u>	<u>EFFECTIVE DATE</u>
Mr. Gene Abel	Parking Control Supervisor (N-2)	Traffic	Additional Staff - Council approved June 26, 1990	\$33,932.08 to \$40,013.48	\$33,932.08 per annum (1 of 5)	24/09/90
Ms. Juanita Bolus	Stenographer IV (E-2)	Building	Replacing Ms. J. Faris - retired	\$19,756.36 to \$21,283.60	\$19,756.36 per annum (1 of 3)	04/09/90
Ms. Nancy Buttrum	Typist Clerk II (E-2)	City Clerk	Replacing Ms. H. Caffery - promoted	\$19,756.36 to \$21,283.60	\$19,756.36 per annum (1 of 3)	17/09/90
Ms. Helen Caffery	Junior Cost Control Clerk (A-3)	Culture & Recreation	Replacing Ms. H. Groeneveld - resigned	\$22,945.00 to \$26,065.52	\$22,945.00 per annum (1 of 4)	17/08/90
Mr. Carl Capuano	Refrigeration/Ac Technician (M-17)	Central Utilities Plant (Division of H.E.C.F.I.)	Replacing Mr. L. Taylor - resigned	\$38,744.16	\$38,744.16 per annum (1 of 1)	10/09/90
Mr. John Coliver	Landscape Designer (D-20)	Public Works	Additional Staff - Council approved June 26, 1990	\$38,405.64 to \$43,982.64	\$42,786.64 per annum (5 of 7)	10/09/90
Mr. Robert Delconte	Foreman/woman III (13-C)	Public Works	Replacing Mr. G. MacDonald - resigned	\$31,320.62 to \$35,969.44	\$33,645.04 per annum (2 of 3)	31/07/90
Ms. Catherine Franceschini	Administrative Assistant IV (Q)	Culture & Recreation	New Position - Approved 1990 Budget	\$25,174.76 to \$29,675.36	\$25,174.76 per annum (1 of 5)	10/09/90
Mr. Timothy Huckerby	Custodian (Military Museum) (B-2)	Historical Sites	Replacing Mr. S. Campbell - resigned	\$23,356.84 to \$25,195.56	\$23,356.85 per annum (1 of 2)	17/09/90

THE CORPORATION OF THE CITY OF HAMILTON

APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>RATE</u>	<u>EFFECTIVE DATE</u>
Ms. Linda Hunter	Control Room Clerk (PA-6)	Parking Authority	Replacing Ms. M. Vanderworp - resigned	\$19,259.76 to \$20,185.36	\$19,259.76 per annum (1 of 2)	25/09/90
Ms. Doreen Johnson	Administrative Assistant IV (Q)	Culture & Recreation	New Position - Approved 1990 Budget	\$25,174.76 to \$29,675.36	\$25,175.76 per annum (1 of 5)	10/09/90
Mr. James Kenney	Lieutenant (C-7)	Fire	Replacing Mr. A. Agostinelli -promoted	\$51,063.31	\$51,063.31 per annum (1 of 1)	10/06/90
Mr. Raymond Lepolddevin	Parking Control Supervisor (N-2)	Traffic	Additional staff - Council approved June 26, 1990	\$33,932.08 to \$40,013.48	\$33,932.08 per annum (1 of 5)	24/09/90
Mr. Bradley McCoy	Parking Congrol Supervisor (N-2)	Traffic	Additional staff - Council approved June 26, 1990	\$33,932.08 to \$40,013.48	\$33,932.08 per annum (1 of 5)	24/09/90
Ms. Catherine McDougall	Clerk Typist III (E-1)	Culture & Recreation	Replacing Ms. L. Zajac - promoted	\$18,773.56 to \$20,182.24	\$18,773.56 per annum (1 of 3)	17/09/90
Mr. William Moffat	Property Officer (A-9(A))	Real Estate	Replacing Mr. K. Nutley - promoted	\$31,019.56 to \$36,986.04	\$31,019.56 per annum (1 of 5)	03/09/90
Ms. Loretta Zajac	Typist Clerk II (E-2)	Culture & Recreation	Replacing Ms. C. Franceschini -promoted	\$19,756.36 to \$22,017.32	\$19,756.36 per annum (1 of 4)	10/09/90
Mr. Joe Zizek	Labourer/Truck Driver (D-7)	Public Works	Replacing Mr. T. Verge -promoted	\$28,593.76 to \$29,009.76	\$28,593.76 per annum (1 of 2)	13/09/90

Prepared 25/09/90

CITY OF HAMILTON
- INFORMATION -

G(ii)

DATE: 1990 September 27

REPORT TO: Mr. J. D. Thompson, Secretary
Finance and Administration Committee

FROM: Mr. John Johnston
Commissioner of Human Resources

SUBJECT:

"Race and Multicultural Relations in our Community Workshop," sponsored by the Ministry of Municipal Affairs, to be held at the Novotel Hotel in North York, November 29, 1990.

BACKGROUND:

The goal of this Workshop is to increase awareness of race and multicultural relations issues as well as to assist in the development of policies and programs. This one-day session is specifically designed for Councillors and Senior Administrators.

A registration form is attached, and should be returned to the Ministry of Municipal Affairs no later than October 15. There is no registration fee.


John Johnston

REGISTRATION FORM

RACE AND MULTICULTURAL RELATIONS IN OUR COMMUNITY

NAME

POSITION TITLE

MUNICIPALITY

ADDRESS

TELEPHONE

FAX NUMBER

WORKSHOPS FOR COUNCILLORS AND SENIOR ADMINISTRATORS

ONE DAY ☒

- ☐ November 15, 1990 Sudbury
- ☐ November 27, 1990 Ottawa
- ☐ November 29, 1990 Toronto
- ☐ December 5, 1990 L'Orignal*

WORKSHOPS FOR HUMAN RESOURCES PRACTITIONERS AND EMPLOYMENT EQUITY CO-ORDINATORS

TWO DAYS ☒

- ☐ February 19 - 20, 1991 Toronto
- ☐ February 26 - 27, 1991 Ottawa
- ☐ March 6 - 7, 1991 Thunder Bay
- ☐ March 12 - 13, 1991 North Bay*

Complete and return this form no later than **October 15, 1990** to:

Ministry of Municipal Affairs
Program Services Branch
13th floor, 777 Bay St.
Toronto, Ontario M5G 2E5

*to be offered French

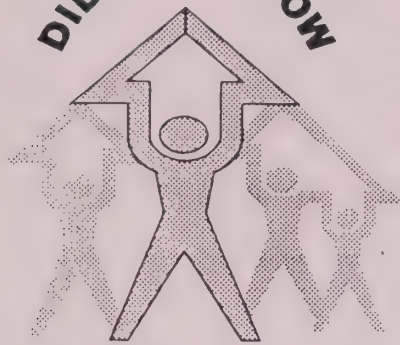
Tel. (416) 585-6244 Fax (416) 585-6239



Ministry of
Municipal
Affairs

Ontario

DID YOU KNOW



To register, contact
Program Services Branch
13th floor, 777 Bay Street
Toronto, Ontario M5G 2E5
(416) 585-6244

DID YOU KNOW...that over the next 25 years the visible minority population in Ontario is projected to double in size. This means that municipal government will play an even greater role in promoting cultural and social diversity in our communities.

To increase your awareness of race and multicultural relations issues and to help you develop policies and programs that will reflect your municipality's commitment to this important issue, the Ministry of Municipal Affairs will be offering one and two day workshops on

Race and Multicultural Relations in our Community

For Councillors and Senior Administrators

1 Nov. 15 Sudbury
9 Nov. 27 Ottawa
9 Nov. 29 Toronto
0 Dec. 5 L'Orignal*

For Human Resources Practitioners and Employment Equity Co-ordinators

1 Feb. 19 - 20 Toronto
9 Feb. 26 - 27 Ottawa
9 Mar. 6 - 7 Thunder Bay
1 Mar. 12 - 13 North Bay*

* to be offered in French

K.E. AVERY
CITY CLERK



CITY HALL
HAMILTON, ONTARIO
L8N 3T4

J.J. SCHATZ
DEPUTY CITY CLERK

THE CORPORATION OF THE CITY OF HAMILTON
OFFICE OF THE CITY CLERK

TEL: 546-2700
FAX: 546-2095

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URBAN/MUNICIPAL

C51F31

1990

URBAN MUNI -

OCT 29 1990

NOTICE OF MEETING

FINANCE AND ADMINISTRATION COMMITTEE GOVERNMENT DOCUMENTS

Thursday, 1990 October 25

9:30 o'clock a.m.

Room 233, City Hall


John Thompson
Secretary

A G E N D A

9:30

1. **CONSENT AGENDA**

2. **CITY CLERK**

1991 Licence Fee Increases

3. **CITY SOLICITOR**

Location of OMB Hearings

4. **TREASURER**

(a) Hamilton Municipal Retirement Fund

(i) 60% Spousal Benefit - Others

(ii) Hamilton Professional Fire Fighters Pension Benefits

(iii) Actuarial Report

(b) Request by McMaster University for exemption from the Development Charges By-law

(c) Business Tax Collection, Appeal and Write-Off Process

5. **PARCIL PROJECT - PHASE I**

- (a) Report of Mr. Stewart J. Roxborough, Project Manager
- (b) Report of Treasurer on Financing

6. **GRANTS CO-ORDINATOR**

1991 Grant Application and Policy Revisions

7. **THE SOCIAL PLANNING & RESEARCH COUNCIL**

Invitation to tour West Avenue School

11:00
a.m.

BREAK

8. **DELEGATIONS**

11:05
a.m.

Smoking Legislation

- (a) Report of the City Clerk on Smoking in Public Places
By-law 80-258 and Smoking in the Workplace By-law 89-370
- (b) Hamilton-Wentworth Interagency Council on Smoking and Health
- (c) Hamilton-Wentworth Non-Smokers' Rights Association
- (d) The Ontario Cancer Treatment and Research Foundation -
Correspondence and Briefs by Dr. Michael D. E. Goodyear
Re:
 - (i) Revision of By-law 80-258
 - (ii) Smoking in the Workplace
 - (iii) Sale of Tobacco to Minors
- (e) The Hamilton & District Chamber of Commerce

12:00
noon

9. **IN-CAMERA AGENDA**

10. **NEW BUSINESS**

11. **ADJOURNMENT**

OUTSTANDING ITEMS

FINANCE & ADMINISTRATION COMMITTEE

1. Staff Committee to review Procedural By-law:
 - (a) for processing correspondence - City Council 1990 Mar. 13 (presently under review)
 - (b) to provide authority to Standing Committees to recommend to City Council that a matter or resolution be reconsidered - Capital Budget Meeting 1990 Feb. 15 (presently under review)
 - (c) to require that when a request for a Capital grant is denied, a two-thirds vote of members present when vote is taken would be required to forward Capital grant request to City Council for consideration and final disposition - Capital Budget Meeting 1990 Feb. 15 (presently under review)
2. Amendment to Grants Policy re: to delete subsection (d) of Section 16 B which provides for a provision of \$100 000 being made each year beginning in 1991 in the 1990-1994 Capital Budget for Capital Grants in view of the Committees decision to remove from Capital Budget - Capital Budget Meeting 1990 Feb. 15 (Report from Treasurer pending)
3. Consider establishing a limit on the number of conferences the same person can attend in any given year - Budget Meeting 1990 Feb. 23 (pending)
4.
 - (a) Policy to exempt Parking Authority from realty and business tax -Budget Meeting 1990 Feb. 23 and Regular Meeting 1990 Mar. 22 (Presently under review by Treasurer)
 - (b) Examine feasibility of directing the net revenue from parking fines into the Reserve Account - 1990 Mar. 22 (Presently under review by Treasurer)
5. Policy for apportioning costs of C.U.P. to users - Budget Meeting 1990 Feb. 23 (review pending)
6. Review Special Events Subsidy Fund - Budget Meeting 1990 Feb. 23
7. Recommendations of Mundialization Committee - Budget Meeting 1990 Feb. 23
8. Review need for Architectural Division - Budget Meeting 1990 Feb. 23
Tabled pending completion of Comprehensive Audit.

9. Work Place Smoking By-law and Smoking in Public Places By-law - Regular meeting 1990 April 5. All submissions for amendments and revisions under review by staff for report to the Finance and Administration Committee 1990 October 25.
10. Special meeting of Finance and Administration Committee to review Provincial system and formula for conditional grants to municipalities (selection of date and time pending)
11. Special Sub-Committee - Street Vendors Program - established to examine all aspects of the Program and report back to Finance and Administration Committee. Report and recommendations pending.
12. Bill 152 - An Act to Amend the Municipal Act - Staff comments to come back to Finance and Administration Committee
13. Property/Taxation Project - Staff Steering Committee including Alderman Agostino to review and examine the feasibility of monthly billings and separate tax bills for the Board of Education - Report Pending (Meeting of 1990 May 01 and June 21)
14. Feasibility of Licencing and Regulating the Tow Truck Industry - Report pending from Manager of Licensing.
15. Review licence fee and approval process for Transient Traders - Report pending from Manager of Licensing.
16. Optic Scan System at Municipal Elections - (1990 July 10) - Report pending from City Clerk
17. Senior Project Manager, Architectural Division - (1990 July 10) - Tabled pending completion of Comprehensive Audit.
18. Hamilton Public Library Board - User Pay Policy and Regionalization of Hamilton Library Services (1990 August 23) - Report pending from Library Board.
19. Resolution from the City of Burlington - Property Assessment Corporation (1990 August 23) - Report pending from Treasurer.
20. Council Agenda Line (1990 August 23) - Report pending from Manager of Property Maintenance and Manager of Purchasing.
21. Handbill Sub-Committee - Public meeting held 1990 October 1 to receive input on draft by-law - Final report pending.

22. Implementation of process to receive proposals from groups requesting space at West Avenue School (1990 September 20)
23. Hess Street Village Mall - Relief from outstanding Local Improvement Charges (1990 September 20) - Reports pending from Solicitor and Treasurer.

FOR ACTION

REPORT TO: Mr. John Thompson, Secretary
Finance and Administration Committee

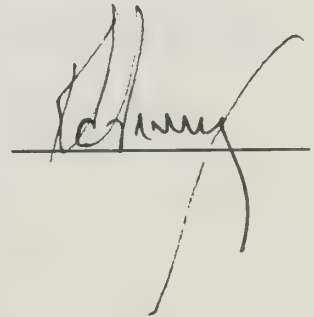
FROM: Mr. K. E. Avery
City Clerk

DATE: 1990 Oct 18
COMM FILE:
DEPT FILE:

SUBJECT: 1991 Licence Fee Increases

RECOMMENDATION:

- (a) That the 1991 Licence Fees be increased by 5%
- (b) That the City Solicitor be authorized and directed to prepare the necessary by-law amendment



FINANCIAL IMPLICATIONS (IF NON, STATE N/A)

Increased Licence Fee revenues are estimated at \$20,000.00.

BACKGROUND:

The City Treasurer has advised that it will be necessary to increase 1991 licence fees so that increased costs for the licensing function due to inflation can be met. He has advised that the rate of inflation for 1991 has been set at 5%. This is the amount by which 1991 licence fees should be increased.

The above fee increases would also cover Taxicab Leasing Agreements and the addition and renewal of names to the Taxicab Priority List.

It should be noted that a number of licence fees may not be increased because of Provincial Legislation which sets out the maximum fees that can be charged.

3.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1990 October 22

REPORT TO: Mr. J. D. Thompson, Secretary
Finance and Administration Committee

FROM: Ms. P. Noé Johnson
City Solicitor

SUBJECT: Location of OMB Hearings

RECOMMENDATION:

That no action be taken to collect rental fees from the Ontario Municipal Board for the use of City Hall facilities.

BACKGROUND:

At the regular meeting of the Council, August 28, 1990 the following motion was concurred in:

"That the Finance and Administration Committee be requested to investigate the use of City Hall facilities by the Ontario Municipal Board to include the possible collection of rental fees for use of City Hall facilities."

DISCUSSION:

Pursuant to the Ontario Municipal Board Act s. 24 the Board has the power to use a Court House situated in a Municipality where the Board is sitting. Should the situation arise where there is no Court House available, s. 25 of the Act provides further that the City, where the hearings are to be conducted, shall upon request of the Board make its Town or City Hall available and make all arrangements for that purpose. No mention is made of any charges incurred by the Municipality in carrying out the Board's request.

The Metropolitan Toronto area municipalities attend their OMB hearings at the Board's Offices located at 180 Dundas Street West, Toronto. Our Office is conducting a survey of other Municipalities to determine the current practice in their areas, and to ascertain if Court Houses are utilized, if other local areas travel to Metropolitan Toronto for their hearings, or further if there is any fee charged for town facilities. The results of this survey should be available and reported back to Committee for its October 25th meeting.

Among the municipalities we surveyed were the following:
Sudbury, St. Catharines, Sarnia, Niagara Falls, Kitchener, Twp. of Gloucester, Kingston, Markham, Mississauga, Burlington, Brampton, North York, London, Guelph, Pickering, Oakville, Town of Vaughan.

Mississauga has a "hearing room" specially constructed in its municipal building for OMB hearing use, thus leaving the Council Chamber available for Council meetings only. Ottawa uses its Congress Centre, a convention hall.

The Town of Vaughan indicated that in that municipality there are sometimes multiple OMB hearings in progress at one time and one of the hearings would be held in the Council Chamber. One municipality, on occasion has had to rent church facilities to cope with the space demand and to keep the hearing in the municipality for convenience of witnesses and citizens.

The City of Burlington indicated that on occasion a board chairman has found a proposed hearing room unsuitable.

None surveyed indicated that their municipality charges nor receives rental fees from the OMB for hearings. No responding municipality's local courthouse is used for OMB hearings and no municipality surveyed outside Metro Toronto uses the Board's Toronto head offices for hearings. However, the Board confirms some smaller municipalities, outside Metro Toronto, have used the Board's own offices for hearings.

4(a)i

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1990 October 18

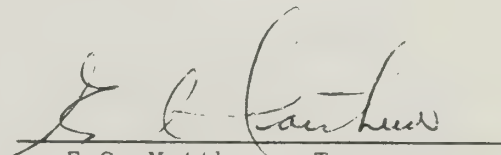
REPORT TO: Mr. J. Thompson
Secretary, Finance and Administration

FROM: Mr. E. C. Matthews
Treasurer

SUBJECT: 60% SPOUSAL BENEFIT "H.M.R.F." OTHERS

RECOMMENDATION:

That the 60% Spousal Benefit be implemented as the basic benefit in the Hamilton Municipal Retirement Fund plan for the current active "others" members.


E.C. Matthews, Treasurer

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

This proposal is for the remaining 4 other active members of the H.M.R.F. The 60% Spousal Benefit was implemented for Hamilton Municipal Retirement Fund Fire Fighters effective January 1, 1988. City Council adopted the resolution providing this benefit for Fire Fighters at its meeting May 29, 1990. Currently, this benefit is provided as an option and the members pension is actuarially reduced if the 60% spousal is selected. The cost to provide this benefit is \$3,000.00. This recommendation was approved by the Hamilton Municipal Retirement Fund Sub-Committee on October 11, 1990.

4(a)ii

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1990 October 18

REPORT TO: Mr. J. Thompson
Secretary, Finance and Administration

FROM: Mr. E. C. Matthews
Treasurer

SUBJECT: HAMILTON PROFESSIONAL FIREFIGHTERS
PENSION BENEFITS -
HAMILTON MUNICIPAL RETIREMENT FUND

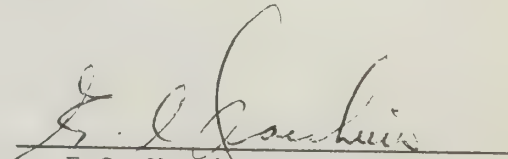
RECOMMENDATION:

That the following recommendation adopted by City Council 1990 May 29:

That in order to provide the amount required to fund the 60% Spousal Benefit for HMRF Firefighter members in the amount of \$1,018,000 the rate of employer (City) contributions for the Hamilton Municipal Retirement Fund (HMRF), for firefighters, be increased from 5.75% to 9.08% effective January 1, 1991, subject to the Treasurer receiving the Actuarial Surplus position from the Actuaries as at December 31, 1989, of the HMRF and reporting back to the Finance and Administration Committee later in 1990.

Be amended as follows:

That in order to provide the amount required to fund the 60% Spousal Benefit for HMRF Firefighter members in the amount of \$1,018,000 the rate of employer (City) contributions for the Hamilton Municipal Retirement Fund (HMRF), for firefighters, be increased from 5.75% to 9.08% effective January 1, 1991.


E.C. Matthews, Treasurer

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The increase in the City contribution results in \$150,000 additional cost to the City commencing 1991.

FOR ACTION

REPORT TO: Mr. J. D. Thompson
Secretary, Finance & Administration Committee

FROM: Mr. E. C. Matthews
Treasurer

DATE: 1990 May 15
COMM FILE:
DEPT FILE:

SUBJECT: Hamilton Professional Firefighters Pension Benefits -
Hamilton Municipal Retirement Fund

RECOMMENDATION: To provide the amount required to fund the 60% Spousal Benefit for HMRF Firefighter members in the amount of \$1,018,000, that the rate of employer (City) contributions for the Hamilton Municipal Retirement Fund (HMRF), for firefighters, be increased from 5.75% to 9.08% effective January 1, 1991, subject to the Treasurer receiving the Actuarial Surplus position from the Actuaries as at December 31, 1989, of the HMRF and reporting back to the Finance & Administration Committee later in 1990.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

The total cost of the benefit increase is \$1,018,000. An increase in the employer rate of contributions effective January 1, 1990, represents \$183,600 in additional contributions based on 1990 salary rates.

BACKGROUND:

A costing was received from the Wyatt Co., Actuaries, for the Hamilton Municipal Retirement Fund. Based on implementation of the 60% Survivor's Benefit as the basic benefit in the Fund for all firefighters retiring after January 1, 1989, the cost is \$868,000.

By including retired firefighters in 1988 the liability increased to \$1,018,000. This would result in the HMRF being in an unfunded liability position of \$907,000.

4(a)iii

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1990 October 18

REPORT TO: Mr. J. Thompson
Secretary, Finance and Administration

FROM: Mr. E. C. Matthews
Treasurer

SUBJECT: ACTUARIAL REPORT -
HAMILTON MUNICIPAL RETIREMENT FUND

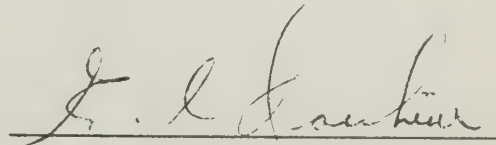
RECOMMENDATION:

That the Actuarial Report dated 1990 August 17 prepared by the City of Hamilton's Actuaries, the Wyatt Company, indicating a deficit position of \$298,000.00 of the Hamilton Municipal Retirement Fund (HMRF) as at 1989 December 31, be accepted with the approval of the following recommendations:

- 1) The City has established contribution requirements in respect of members as 5.75% of pensionable earnings. We recommend that the City increase this contribution rate until the next actuarial valuation of the Plan is conducted.
- 2) That actuarial valuations continue to be conducted annually so that fluctuations in contribution requirements can be minimized.

BACKGROUND:

This recommendation was approved by the Hamilton Municipal Retirement Fund Sub-Committee on October 11, 1990.



E.C. Matthews, Treasurer

46

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1990 October 18

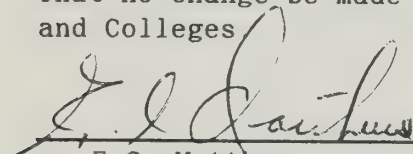
REPORT TO: Mr. J. D. Thompson, Secretary
Finance and Administration Committee

FROM: Mr. E. C. Matthews
Treasurer

SUBJECT: REQUEST BY McMASTER UNIVERSITY FOR EXEMPTION
FROM THE DEVELOPMENT CHARGE

RECOMMENDATION:

That no change be made to the Development Charge By-Law to exempt Universities and Colleges



E.C. Matthews

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

If an exemption is granted to McMaster from the development charge it would create a precedent not only for Universities but we could expect a request from Mohawk College, and, probably other institutions as well.

BACKGROUND:

I enclose a letter from Mr. A.L. Darling, Vice-President (Administration), dated June 15, 1990, in which he requests an exemption from the Development Charges By-Law for McMaster University. A copy of Mr. Len King's letter dated August 3, 1990 responding to Mr. Darling is also attached in which he indicates that senior staff have reviewed the matter and conclude McMaster fully qualifies under the by-law and in effect conclude there are no grounds for granting an exemption.

For the further information of the Committee, I also enclose a memo dated August 7, 1990, from Mr. Philip Hooker in which he outlines the ramifications of making a grant to the University in lieu of the exemption.

Encls.

c.c. Mr. Lou Sage, Chief Administrative Officer, City
Mr. Len King, Commissioner, Building Department
Mr. A.L. Darling, Vice-President (Administration), McMaster University



McMASTER UNIVERSITY

Vice-President — Administration

1280 Main Street West

Hamilton, Ontario, Canada L8S 4L8

Telephone: (416) 525-9140 Local 4330

Facsimile: (416) 522-3391

L. VACE
E. MATTHEWS

JUN 20 1990

June 15, 1990

Mr. L. C. King
Building Commissioner
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Mr. King:

Re: Development Charges By-Law

I found our recent discussion of this By-Law most useful, but nevertheless on behalf of McMaster University I am writing to complain about the proposed charges using the procedures set out in Section 8 of the Act to Provide for the Payment of Development Charges (1989). In making this complaint, McMaster University is concerned both at the political level about the inclusion of the University under the By-Law and at the administrative level about the appropriateness of the charges.

We have noted that the By-Law excludes local boards as defined in 1(e). Since school boards are exempt under this provision, we believe it would be appropriate for other educational institutions like universities and colleges which are in receipt of public funding to be exempt also. Universities and colleges are providing education just as schools are at the elementary and secondary levels.

Each year the Government of Ontario through the Ministry of Colleges and Universities provides a grant to each university in lieu of municipal taxes. This grant in turn is paid by the university to the local municipality. Our financial statements for the year ended April 30, 1990 show that McMaster University paid \$901,050 in municipal taxes using the grant provided by the Government of Ontario. I have consulted with the Ministry of Colleges and Universities and that Ministry is extremely concerned about municipalities placing additional charges on universities when a grant has been provided from a senior level of Government to reimburse municipalities.

For the reasons outlined in the last two paragraphs we would like to suggest that universities and colleges should be exempt in the same way that school boards are.

I should now like to turn to the matter of administration and whether the University should be paying such charges for the projects we are undertaking. We first encountered the proposed charge because of an extension to an existing cafeteria. The approximate dimensions of the extension are 6 feet by 100 feet and

we acknowledge that the charge would be small. More significant in financial terms, however, are the new buildings for the Library and for the Faculty of Business. In the case of the Library I would remind you that we benefited from the generosity of the Regional Municipality of Hamilton-Wentworth which approved a grant of \$4 million towards the project. It was the significant decision of the Region which helped to influence the Government of Ontario to provide the remaining funds to complete the project. We have, therefore, a project of approximately \$20 million which will provide significant employment to companies and employees of this Region. The reason for the extension of the Library is because of the increasing size of the Library collection. We do not plan to increase the number of staff working in the building and so it is difficult to see how there will be a significant change in the municipal services as a result of this particular building.

In the case of the Faculty of Business we are looking at a building which will cost \$10 million and all of this money has been raised from private donations. This is particularly unusual; the more normal event is that the government provides two-thirds of the total funding. It has been a difficult task to raise this money privately and we are having to cut back on the project to stay within the funds available. Having to pay an additional charge would mean further cut-backs in the building programme. The purpose in building the new building is to relieve the congestion of space that occurs right now. We have just made a submission to the Provincial Government on our enrolment plans for the next five years and we do not envisage significant change in student numbers so that the number of students travelling to the campus and using facilities such as sewers and water should not increase.

I believe the position of an established landholder like the University with a significant number of buildings is quite different from a totally new development where there are obviously major changes in the levels of services that a municipality must supply. This is recognized both in the Provincial Act and in your By-Law.

1. The first recital in the City By-Law notes that the Act enables councils to impose development charges "where the development of the land would increase the need for municipal services as designated in the By-Law."

2. The By-Law defines "growth-related net capital cost" in terms of the net additional cost to the municipality of services that can be attributable to the project.

3. Section 4 of the By-Law states that development charges can be levied "only insofar as,


- (a) the growth-related net capital costs are attributable to that use, . . .".

It seems to me that the combination of the three points above means that the City has to be able to demonstrate that the specific project for which we are seeking approval does give rise to additional capital costs provided for in the By-Law on the part of the City as described in the next paragraph. I think this will be particularly difficult for you to do in the case of an extension to a library in order to accommodate more books.

Part III of the By-Law deals specifically with the non-residential development charges. In section 12 it states that the development charges shall be based upon the following designated services: fire stations, roads and street lights, and traffic operations control and signs. McMaster University has assumed the responsibility for the maintenance and construction of roads, the provision of street lighting, and the provision of signs upon our campus. I do not expect that the additions to the buildings we are making will cause the City to make changes to the local fire hall. Given the situation, I do not believe that it is appropriate that we be charged the development levy.

In making this complaint I do wish to stress that McMaster University is extremely pleased with the relations we have enjoyed with the City of Hamilton and with the members of your department. Our Department of Planning and Construction has found your officials to be extremely helpful and we sincerely hope that this relationship can continue. Nevertheless, we believe, after reading both the Provincial Act and the City By-Law, that it would be appropriate for the University firstly to be exempted within the By-Law and secondly, if the University cannot be exempted, not to be assessed the development charges for the three projects I have described in this letter. If no general exemption is granted, it would be necessary to review each project as it occurs. So that you may know of our activities fully, I do wish to inform you that I have asked officials in the Ministry of Colleges and Universities to pursue the matter more generally at the Provincial level with the Ministry of Municipal Affairs. I have also spoken to Mr. Carson about the desirability of our pursuing this at the political level. Through this letter I am also seeking to address the matter at the administrative level through the provisions provided in the Act and the By-Law.

Yours sincerely,



A. L. Darling
Vice-President (Administration)

ALD:jw

c.c. Mr. R. Morrow
Dr. A. A. Lee
Dr. A. C. Heidebrecht
Mr. J. C. Farrell
Mr. J. M. Pigott
Mr. P. Baldwin
Mr. E. Monahan

August 3, 1990

Attention: Mr. A.L. Darling
Vice-President, Administration

Re: Development Charges By-Law No. 90-74

1. The per hectare charge of \$11,546.00 per hectare is not applicable to the McMaster University property in that the property is already in a partially developed state.
2. Any further development of McMaster University will be subject to the Development Charge which at this time is \$2.368 per square metre for non-residential uses. Residential Development Charges will be those charged for residential uses.
3. The proposed addition to the cafeteria by 6' x 100' would be subject to a Development Charge of \$132.00.
4. The proposed \$20 million addition to the library, assuming that the addition would amount to 20,000 square metres, would be subject to a fee of \$47,360.00, based on \$2.368 per square metre.

[illegible]

5. The proposed \$10 million to the Faculty of Business, assuming that it had an area of 10,000 square metres, would be subject to a Development Charge of \$23,680.00.

[The above conclusions indicate that the By-Law is in fact applicable to the McMaster University property.

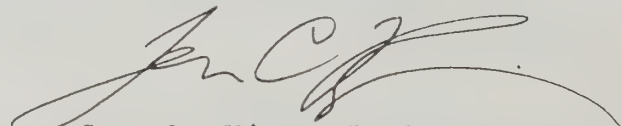
The second part of your letter would constitute a request for an exemption from the By-Law which requires a By-Law amendment. A report on this matter is being prepared by Mr. E. Matthews, City Treasurer, to the Finance and Administration Committee and this matter will be likely dealt with sometime in September.

In addition to the above By-Law amendment, Mr. Matthews report will also address consideration of a grant from the City to offset the applicable Development Charge.

Also for your information, the By-Law does require that the Development Charges be paid prior to the issuance of a building permit. If there is any urgency for any of the above noted projects, McMaster University may wish to consent to pay the Development Charge under protest and proceed with any action you deem necessary in order to recover those charges.

I trust this will be of assistance to you.

Yours very truly,



Len C. King, P. Eng.
Building Commissioner

LCK/zr

c.c. Mayor R. Morrow
Mayor's Office
Mr. D. Carson
Mayor's Office
Mr. L. Sage
Chief Administrator's Office
Ms. P. Noè Johnson
City Solicitor's Office
Mr. P.R.A. Hooker
City Solicitor's Office
Mr. E. Matthews
Treasury Department
Mr. A.L. Georgieff
Local Planning
Mr. D. Christilaw
Regional Engineering
Attention: Mr. P. Strong
Mr. K. Kiernan
Fire Prevention Bureau

OFFICE OF THE CITY SOLICITOR
MEMORANDUM

TREASURY	
1990 AUG 9	
ROUTE	REC'D
E.C.M.	
I.R.H.	
T.W.D.	
N.R.A.	
G.D.	
A.N.	

TO: Mr. L. King
Building Commissioner
Building Department

YOUR FILE:

FROM: Philip R. A. Hooker
Manager of Legal Services
Office of the City Solicitor

OUR FILE: 40-114/89.1
PHONE: (416) 546-4684

SUBJECT: Development Charges By-law 90-74
Applicability to McMaster
University

DATE: 1990 August 7

Further to our highlevel meeting of August 2, 1990 in the Building Department, this is to confirm that the Municipal Act does provide in s.113 for the making of grants by the municipality (subject to section 112 on bonuses to commercial or industrial enterprise being prohibited) "on such terms and conditions as to security and otherwise as the Council may consider expedient, to any person, institution, association, group or body of any kind...within or outside the boundaries of the municipality for any purpose that, in the opinion of the Council, is in the interest of the municipality."

McMaster University is an institution or body within the municipality and therefore may be the recipient of a grant according to this section from the municipality if the Council of the municipality deems that purpose of the grant is in the interests of the municipality.

As to whether the University is a commercial enterprise or not (which I doubt), I did check our large files on the City lease of part of the new Library building to Mohawk College and McMaster University (File No. 80-6.5) but the bulk of the file did not reveal on quick search any copy of the University Charter for scrutiny by me prior to my departure for the next two weeks. However, Mr. Alex Georgieff, Director of Local Planning, at the meeting on August 2nd, was of the opinion that all Universities in this province are now of the non-profit or non-commercial nature. This could easily be checked by writing to the Ministry of Colleges and Universities.

The only other section of the Municipal Act appearing to refer to the Universities as such is s.160 which provides power to the municipality to pass a by-law to levy an annual tax on each University or College depending on the number of students enroled there.

I emphasize that the City Solicitor, Ms. P. Noé Johnson, pointed out at our meeting that should the charges be insisted on by the City, and should the University be unable to pay them and thereby convince the Council to make them an offsetting grant, any such grant should have attached to it terms that it will be repayable in full to the municipality should the by-law requiring such charges ever be struck down by the Ontario Municipal Board or a Court. Such a contractual "string" on the grant, if any, would give us, the City, the right to claw back the grant made if it was found that the reason for the grant, namely the charge, was unenforceable at law.

I hope this opinion, while brief, is of assistance to you. I confirm that Mr. Matthews was going to arrange to have someone in his department check with the Cooper & Lybrand consulting firm to see whether situations such as that of McMaster presently in question were considered by the consultants when they drew up their capital charges study last summer.

PRAH:sr

Philip R. A. Hooker
Manager of Legal Services

c.c. Mr. E. C. Matthews, Treasurer ✓
Mr. Lou Sage, Chief Administrative Officer
Ms. P. Noé Johnson, City Solicitor
File 80-6.5(B) McMaster University lease of Central Public Library Building

4(c)

CITY OF HAMILTON
- INFORMATION -

DATE: 1990 October 25

REPORT TO: Mr. J. D. Thompson, Secretary
Finance and Administration Committee

FROM: Mr. T. A. Bradbury
Supervisor of Taxation

SUBJECT: BUSINESS TAX COLLECTION, APPEAL AND WRITE-OFF PROCESS

BACKGROUND:

As requested at the last Finance and Administration Committee meeting, this report will outline the collection, tax appeal and write-off aspects of the system presently utilized in the Business Tax Section.

In an effort to clearly illustrate all the systems facets the path of a business tax account through the system will be followed. The numbered diagram of the system (attached) will aid in this respect. A diagram of the "Special Collection Program" is also provided along with a simple example.

1. In the first week of February all of the business accounts on the Assessment Roll are forwarded a Pre-levy Business Tax Bill. The bill represents approximately one half of the previous year's levy and is due on the last working day of February.
2. If the Pre-levy bill is paid, the account becomes essentially dormant until the Levy Billing. If the account is unpaid a First Reminder Notice is forwarded in early March followed by a Final Reminder Notice in mid-March to those accounts remaining unpaid.
3. All accounts remaining unpaid as at April 1st are forwarded to the collection agency on the "Special Programme" for 30 days. At this juncture all accounts referred to the collection agency are forwarded a collection notice with the wording depicted by the asterisk on the diagram of the "Special Collection Program". All accounts also receive a single telephone call from the collection agency at this point; after 30 days the program is returned to the City. If the collection agency has ascertained that the business has ceased to operate all such instances are reported to the City and as a result the appeal process is initiated. This process is fully explained below.

4. The balance of the annual business tax is added to the accounts at the time of the Levy Billing and forwarded to all accounts in early May. Any balances, tax, penalty and interest outstanding at May 1st are added to the levy billing amounts and clearly stated in the arrears section of the bills.
5. Items two (2) and three (3) are repeated exactly as above. Reminder Notices and Final Notices are forwarded to all unpaid accounts in early and mid June respectively, followed by the 30 day "Special Program" in July.
6. All accounts with outstanding balances as at August 1st are returned to the collection agency on the regular collection program. The collection agency collects the remainder or returns them to the City with their recommendations. Disputed accounts are referred to the City Solicitor's Department if the outstanding dollar value warrants litigation in an effort to collect the balance. Again, if the collection agency has determined the business is no longer in operation, this information is forwarded to the City and a tax appeal is generated.
7. All accounts deemed to be uncollectible are referred to the City Council for Write-Off.

Tax Appeals

The Municipal Act, Section "496" allows for the reduction, cancellation or refund of business or realty tax for a variety of reasons, one of which being a business ceasing to operate prior to year end and classified in the City bookkeeping as a "remission" expenditure

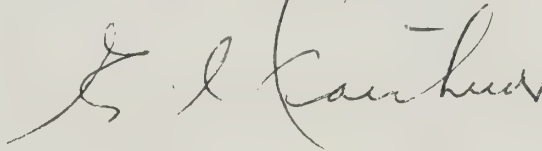
In accordance with this section of The Municipal Act, "any person may apply in writing to the Clerk", on or before February 28th of the following year requesting a tax appeal be processed. In practice the business tax section accepts applications from the business owner or their agents. Appeals are also generated as a result of information acquired from the collection agency or the Assessment Department. Although the Business Tax Section acts on the information received by these outside agencies, there is no way of knowing if any exhaustive list of businesses ceasing to operate is provided. It is the ultimate responsibility of the owner of the business to advise the City of the status of his/her business.

All "496" appeals are forwarded to the Assessment Department. It is their responsibility to ascertain the exact date the business ceased to operate. This recommendation is returned to the Business Tax Department on the "496" appeal form and tax reductions are calculated in accordance with that recommendation. A copy of the completed appeal form is retained in the Business Tax Section and another copy is forwarded to the Assessment Review Board. These appeals are batched and an Assessment Review Board hearing is scheduled periodically. All those who have applied for a tax reduction under Section 496 are notified by the Assessment Review Board of the hearing time and recommended reduction.

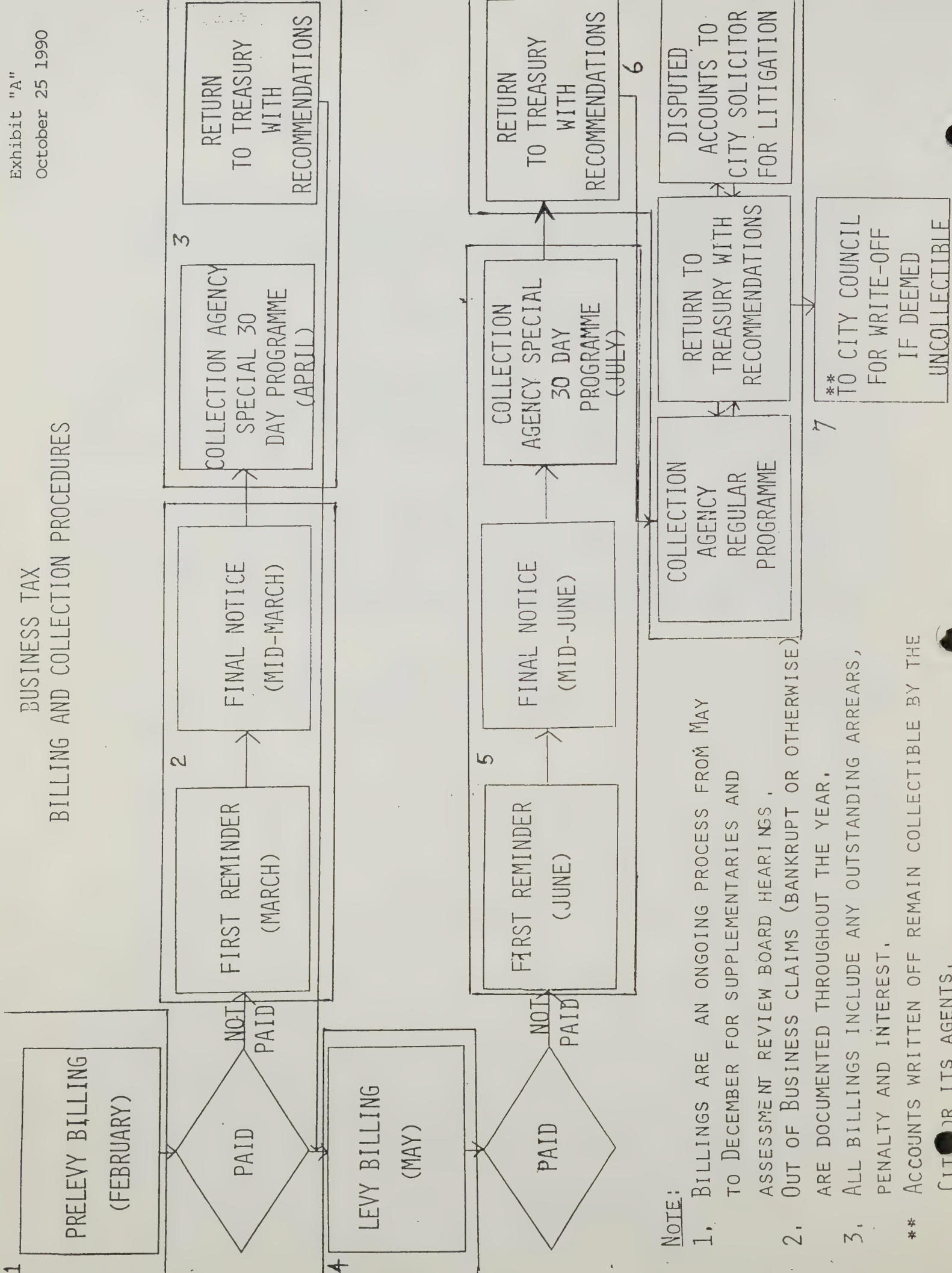
They are also advised that if they are in agreement with the recommendation they need not attend the hearing and the Board will approve the tax reduction as recommended. If the applicant is not in agreement with the recommendation, he/she is instructed to attend the hearing and defend their position.

In addition to this process, Section "496 A" allows an appeal to be processed up to two (2) years subsequent to the tax year in question, under special circumstances. It has also been the practice of the Treasurer to recommend the granting of tax relief under Section "A" of each "Write-Off" list in certain instances. If the taxpayer can provide a final bill for utility services dated prior to the date recommended by the Assessment Department or it can be determined that a clerical error has resulted in a double billing, the Treasurer will recommend to City Council that the appropriate tax reduction be made.

In conclusion, it is the intention of the Treasury Department and the Business Tax Section to treat each of these cases as equitably as possible. As previously mentioned, the individual business taxpayer also has an obligation to handle his or her affairs in a professional manner and accordingly forward information with respect to the status of their business on a timely basis. The current system offers the taxpayer ample time and opportunity to have his or her taxes amended to reflect the correct amounts.

A handwritten signature in cursive script, appearing to read "E. L. Canfield", is written over the underlined text of the previous paragraph.

BUSINESS TAX
BILLING AND COLLECTION PROCEDURES



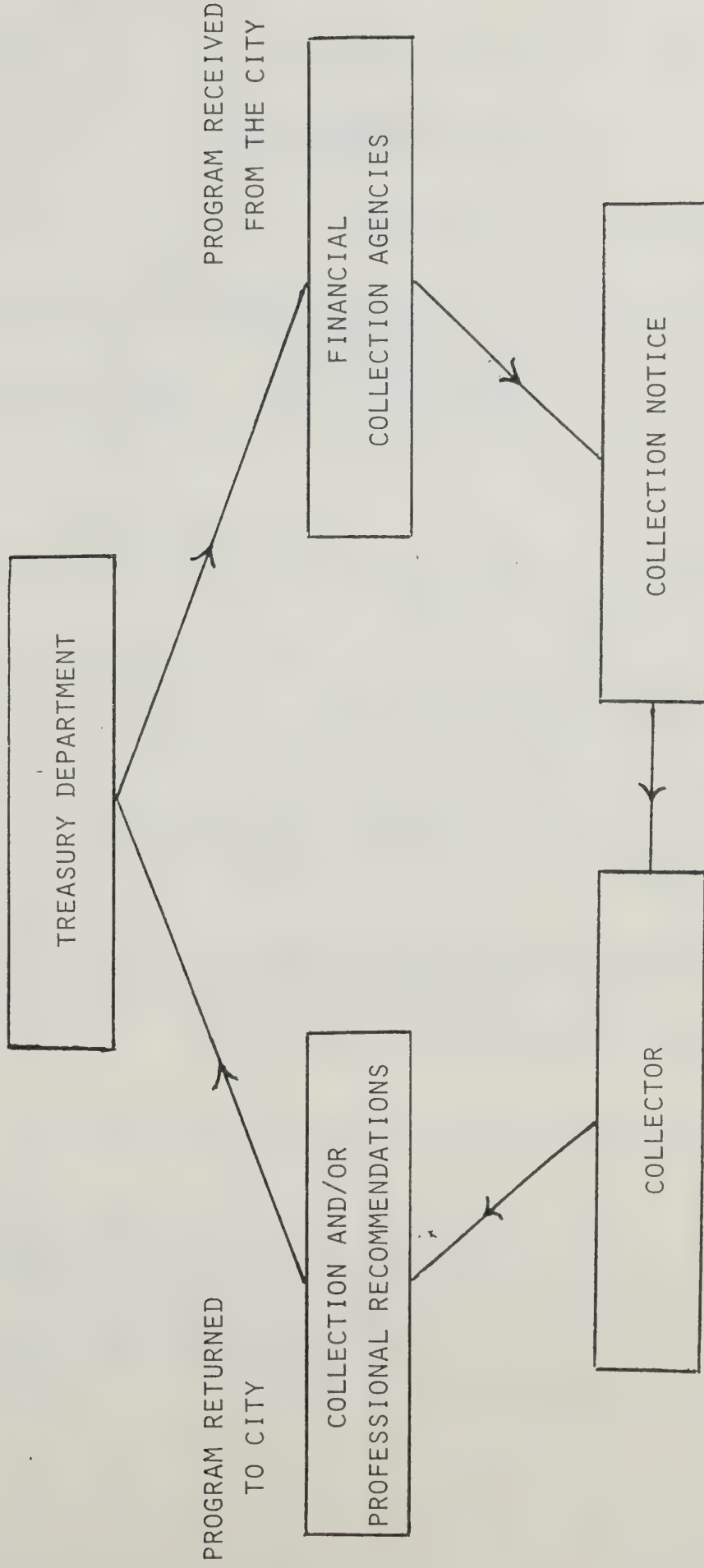
- NOTE:**
1. BILLINGS ARE AN ONGOING PROCESS FROM MAY TO DECEMBER FOR SUPPLEMENTARIES AND ASSESSMENT REVIEW BOARD HEARINGS.
 2. OUT OF BUSINESS CLAIMS (BANKRUPT OR OTHERWISE) ARE DOCUMENTED THROUGHOUT THE YEAR.
 3. ALL BILLINGS INCLUDE ANY OUTSTANDING ARREARS, PENALTY AND INTEREST.
- ** ACCOUNTS WRITTEN OFF REMAIN COLLECTIBLE BY THE CITY OR ITS AGENTS.

FINANCIAL COLLECTION AGENCIES

Exhibit "B"

October 25 1990

SPECIAL COLLECTION PROGRAM



INDIVIDUAL ACCOUNTS WORKED
BY THE SENIOR COLLECTOR

IN ACCORDANCE WITH THE MESSAGE ON THE FINAL
BUSINESS TAX REMINDER NOTICE, THE CORPORATION OF
THE CITY OF HAMILTON HAS NOW ASSIGNED YOUR
OUTSTANDING BUSINESS TAXES TO US FOR COLLECTION.
PAYMENT IS TO BE MADE IMMEDIATELY TO AVOID
FURTHER COLLECTION ACTIVITY.

EXAMPLE

Follow one business tax account through the business tax collection system given the following assumptions:

- 1) Total 1990 Business Tax (12 month period) \$1,000.00
- 2) Business ceased to operate and leaves premises on June 30th; no business tax payments have been made.
- 3) The City becomes aware of this situation on August 31st.
- 4) The business has no assets and the account is considered for write-off.
- 5) A '496 Tax Appeal is processed and The Assessment Review Board approves a remission back dated to June 30th.

Remission Portion

Given this scenario upon receipt of the approved appeal from The Assessment Review Board, \$503.97 would be charged to the City's remission account, and calculated as follows:

Total Tax for Year	\$1,000.00
- 365 days; per diem rate	2.739
Tax Remission; 184 days credit	\$ 503.97

NOTE

In 1989 \$3,525,000.00 was charged to the remission account as a result of the '496' tax appeal process, a portion of which is recoverable from the Region and Education Boards.

Write-Off Portion

The balance of the tax, \$496.03, would be presented to the Finance and Administration Committee on a write-off list. In this case we have assumed the City knows the business has no assets. If this were not true, the account balance, after the remission adjustment, would be rebilled and remain collectible until the financial status of the business is known.

NOTE

Write-offs in 1989 were \$401,000.00 in total and are also shared with the Region and Education Boards.

The proposed write-off amount in this example is \$496.03 and exactly represents the tax payable from January 1st to June 30th. The only instance where this may not be true occurs when the owner fails to contact the City or is otherwise unavailable. When the owner of the business cannot be contacted an appeal on his/her behalf may be processed and the Assessment Department is forced to make their best estimate of the date the business ceased to operate. It is clearly the responsibility of the owner to advise the City, in writing, of the date his/her business ceased to operate.

5(a)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1990 October 4

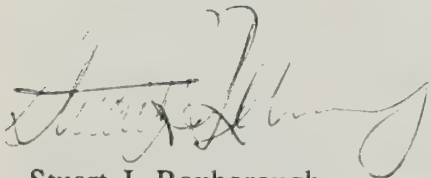
REPORT TO: Mr. J. D. Thompson, Secretary
Finance and Administration Committee

FROM: Mr. Stuart J. Roxborough, Project Manager
PARCIL Project

SUBJECT: PARCIL Project - Phase 1

RECOMMENDATION:

- a) That the project plan for PARCIL - Phase 1 be adopted.
- b) That the scope of PARCIL - Phase 1 be geographically the City of Hamilton and that the Hamilton user community be initially limited to Fire, Planning, Public Works, Traffic, Building and Property Departments.
- c) That the Landbase for PARCIL - Phase 1 be developed with the topographic and planimetric layers completed for the City of Hamilton and the Cadastral and Infrastructure layers be completed for the area above the Escarpment in the City of Hamilton.
- d) That the Treasurer of the City of Hamilton develop a financial plan for the City of Hamilton portion of PARCIL - PHASE 1.



Stuart J. Roxborough
Project Manager, Parcil Project.

cc Lou Sage
Ted Gill
Jim Hindson
Jim Thoms

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The financial implications of PARCIL - Phase 1 are subject of a separate report.

BACKGROUND:

ORIGIN

At its meeting of September 25, 1990 Council received correspondence from the Region requesting that the City of Hamilton consider participation in Phase 1 of the PARCIL Project.

That correspondence resulted from Regional Councils consideration and approval of the Regions portion of Phase 1 of the PARCIL Project on August 21, 1990.

The report attached entitled PARCIL Project - PHASE 1 outlines in detail that first phase. The purpose of this report is to summarize that report and make recommendations.

APPLICATIONS

Applications are defined as those things PARCIL must do. This includes processes that it must run, the products it must produce and functions it must perform.

Based on the analysis of the potential applications and benefits in relation to the geographic areas involved and the user groups affected it is logical to limit the scope to the City of Hamilton and to a smaller group of users that represent the bulk of the savings. Within the City of Hamilton the landbase should be limited to an area that can be developed within a reasonable time and cost but sufficiently large enough to develop applications that achieve significant savings. Similarly, the users groups represented in Phase 1 should be limited to those that represent the bulk of the savings. In this case that group would consist of the Fire, Public Works, Planning, Traffic, Building and Property Departments along with the Regional Engineering, Planning, Finance, and Police Departments.

LANDBASE

The landbase is defined as the computerized base map and all the non-graphic data attached to it.

Based on a review of the needs, costs, difficulty and time required it is recommended that the Landbase be developed with the topographic and planimetric layers complete for the entire City of Hamilton and the cadastral and infrastructure layers completed for the area above the mountain only.

The completion of these three components will see the foundation of the Landbase developed by July, 1992.

SYSTEMS

The systems needs for Phase 1 are for an initial installation consisting of a small server and five workstations as a development and training centre followed by the installation of a larger

central processor and storage unit and workstations in user areas as data becomes available and applications are installed.

ORGANIZATION

The organizational requirements for Phase 1 can be summarized into two areas - project staff and external support.

The project staff will include an initial implementation staff of ten that will reduce to four once Phase 1 is complete.

External resources will include services in the areas of project management, project audit and information systems support.

PROJECT PLAN

The project plan has been developed to guide the development of PARCIL - Phase 1 over the next two years. That plan includes a listing of the tasks to be completed structured as three basic steps - a project startup - implementation - and audit and report. It provides for project milestones at significant points as a measure of performance. The project plan cumulates with a project audit and recommendations.

COST/BENEFIT

The cost/benefit model for PARCIL - Phase 1 shows savings for the City of Hamilton as follows:

	1990	1991	1992	1993
ANNUAL	\$0	\$ 49,705	\$151,392	\$207,288
CUMULATIVE	\$0	\$ 49,705	\$201,097	\$408,385

Those cost savings of \$408,385/year continue at that amount from 1993 onwards.

These savings along with those achieved by the Region total approximately 1.2 million dollars per year in 1993 and beyond and allow PARCIL to achieve sufficient savings to be in a positive cost position by 2003.

By the year 2010 the City of Hamilton and the Region will save a total of 27.7 million dollars through PARCIL.

Beyond the direct savings there are a number of significant intangible benefits.

Once completed, Phase 1 will provide a set of digital neighbourhood maps for Hamilton mountain. This will give users the ability to access this information from any workstation rather than only at the current location of the maps. It will also ensure that only one copy of the information exists ensuring that all users have instant access to a single common current landbase.

These points also hold true for all other information, such the sewer and water, that will included. The information will be accessible from any workstation.

Another key benefit is the ability to layer all the information together and be sure that it fits. In other words, to be able to add the infrastructure information to the neighbourhood maps, to compare different type of demographic information to physical features or areas.

The ability to share or exchange information with a number of other individuals or groups is also an important benefit.

As Phase 1 is structured we have the ability to generate files in a number of industry standard formats that can input to other systems. The benefit is that this allows other groups the freedom to select the products best suited to their needs and be confident that, as long as their system is based on one of the standard platforms in the industry, that we will be able to exchange information.

There are a number of other intangible benefits, such as consistent standards, reduced filing space, reduced document deterioration, the ability to serve clients and the public in a more efficient manner, etc. that will be realized once the project is complete.

The second issue is that of the project budget. The implementation of PARCIL -Phase 1 will require a total commitment of 9.2 million dollars from the partners over three years. That amount is divided as follows:

	1990	1991	1992	Total
Hamilton	\$541,274	\$2,245,440	\$438,495	\$3,225,209
Region	\$1,005,222	\$4,170,104	\$814,348	\$5,989,674
Total	\$1,546,496	\$6,415,544	\$1,252,843	\$9,214,883.

SUMMARY

Phase 1 as outlined here and detailed in the attached report provide for a first phase that is a logical size, achieves a significant portion of the benefits, implements the most productive applications and provides for a workplan that is of a reasonable duration and has appropriate project controls.

The completion of phase 1 will provide a model on which to base decisions on the implementation of subsequent phase which would extend the scope of PARCIL to other areas in the Region.

The potential does exist to extend phase 1 beyond the scope outlined should other participants, such as the local municipalities or utilities demonstrate a willingness and commitment to be partners.

CITY OF HAMILTON
- RECOMMENDATION -

5(4)

DATE: 1990 October 18

REPORT TO: Mr. J. D. Thompson, Secretary
Finance and Administration Committee

FROM: Mr. E. C. Matthews
Treasurer

SUBJECT: FINANCING OF PARCIL PROJECT, PHASE I

RECOMMENDATION:

- a) That the \$3,225,209 required for the PARCIL-Phase I project over the next three years, namely, 1990-\$541,274; 1991-\$2,245,440; 1992-\$438,495; be funded on an up-front basis from the Reserve for Capital Projects, Centre #00203.
- b) That the Treasurer be authorized to set up a separate "Reserve for PARCIL project" to track payments and recoveries associated with this project, on a full pay-back basis.
- c) That the Treasurer be authorized to recover from the budget appropriations of the various departments listed on the attached schedule, in the amounts and years as shown.


E. C. Matthews, Treasurer

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

- 1) The project is based on full pay-back, however, up-front cash will be required to be made available from the "Reserve for Capital Projects", in accordance with the projected budget 1990-1992 for Phase I.
- 2) Pay-back will be accomplished by reducing the budget estimates of the affected departments by the amounts shown and in the years indicated, and crediting these savings back to the Reserve for Capital Projects on a full pay-back basis.

BACKGROUND:

This Committee will be considering the report on the PARCIL project received from Stuart Roxborough, Project Manager. If this Committee agrees that the project move forward, I have suggested the method of funding for your consideration.

Att'd.

c.c. Mr. J. G. Pavelka, P.Eng., Director of Public Works
Mr. J. D. Thoms, Commissioner of Planning and Development
Chief G. Baker, Fire Chief
Mr. L. King, Building Commissioner

PARCIL - PHASE 1
SAVINGS BY GROUP

GRP NO	GROUP NAME	BASELINE COSTS	1990 SAVINGS	1991 SAVINGS	1992 SAVINGS	1993 SAVINGS	TOTAL SAVINGS
	HAMILTON						
7P	PUBLIC WORKS	\$28,321	\$0	\$2,987	\$7,468	\$4,481	\$14,936
7T	TRAFFIC	\$344,576	\$0	\$4,386	\$10,964	\$6,578	\$21,928
8	PLANNING-LOCAL	\$501,076	\$0	\$22,369	\$89,477	\$111,846	\$223,693
15	FIRE	\$424,892	\$0	\$8,658	\$17,317	\$34,633	\$60,608
18	BUILDING	\$81,255	\$0	\$5,166	\$7,748	\$12,914	\$25,828
21	PROPERTY	\$218,183	\$0	\$6,139	\$18,418	\$36,836	\$61,393
	TOTAL - HAMILTON	\$1,598,303	\$0	\$49,705	\$151,392	\$207,288	\$408,385



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Department of Engineering
71 Main Street West, Hamilton, Ont. L8N 3T4

Tel. (416) 546-4170
Fax (416) 526-6665

October 11, 1990

Refer to File No.
Attention of
Your file No.

MEMO

TO ROY HAMMEL
FROM STUART ROXBOROUGH
RE: PARCIL PROJECT

I have met with the Department heads and staff for each of the Hamilton users to confirm their commitment to PARCIL and to the budget allocations required. All groups have confirmed their commitment to the project and the funding required.

As we previously discussed the amounts shown are for budgeting and project planning purposes. One of the first tasks in implementation will be to review the details of all applications, process and products to document current processes and agree on the productivity improvement goals for the year. Each year this review process will be repeated and the values (cost savings) will be adjusted as necessary. Additionally, major projects such as computer aided dispatch will affect PARCIL and require the values for groups involved be reviewed once the impact is known.

6.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1990 October 18

REPORT TO: Mr. J. D. Thompson, Secretary
Finance and Administration Committee

FROM: Mr. D.K. Beattie
Grants Co-Ordinator

SUBJECT: 1991 GRANT APPLICATION AND POLICY REVISIONS

RECOMMENDATION:

The Grants Review Group has met and respectfully recommends that:

- 1) The existing General Grant and Convention/Reception Grant Applications and Policies be revised to reflect the following changes:
 - a) General Grants All references within the existing policy and application are to be amended to reflect the following:
 - i) with respect to the Grants criteria, consideration will not be given to any religious based programs or organizations;
 - ii) with respect to the Grants criteria, consideration will not be given to any ethnic based programs or organizations;
 - iii) with respect to the Grants criteria, consideration will not be given to any organization that is in receipt of an interest-free loan until the loan is totally repaid;
 - iv) all requests for interest-free loans are to be considered by the Grants Review Group and that the calculated lost interest revenue is to be charged to the Grants Budget;
 - v) that any organization which has an approved grant of \$5,000 or more must supply an audited financial statement of their prior year's operations before any grant payments are made;
 - vi) the attached proposed amendments to the Grant Application and Policy from the Arts Advisory Sub-Committee which was endorsed by the Parks and Recreation Committee meeting held August 21, 1990 with the exception of item (e) (the deletion of Question #7) be implemented;
 - vii) an annual capital budget provision at a maximum amount of \$100,000 be submitted as part of the Capital Budget process for funding of Capital Grants. Capital Grants would be processed through the Grants Review Group and the Finance and Administration Committee in accordance with the Grant Policy. Any annual unallocated Capital Funds would be transferred to a reserve for Capital Grants.

Mr. J. D. Thompson
Secretary, Finance and Administration Committee
October 18, 1990 - Page Two

RECOMMENDATION: - Continued

- 1) b) Convention/Reception Grants All references within the existing policy and application are to be amended to reflect the following:
 - i) with respect to the Grants criteria, it should be consistent with the General Grants criteria and include those proposed amendments noted above;
 - ii) the funding formula to calculate the grant amount is applicable to one occasion regardless of the number of events or activities that might take place within the relative timeframe.
2. For effective and cost efficient administrative purposes, the Grants Co-ordinator be authorized to advertise the availability of the Grants and the December 31, 1990 Grants deadline in addition to mailing out applications on a basis that is consistent with prior year's.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

D. Kevin Berthel

N/A

BACKGROUND:

To ensure that the 1991 Grant Applications will be available in November for the December 31, 1990 deadline, these revisions to the General and Convention/Reception Grant policy and application are presented for your approval. The proposed revisions are required to clarify certain issues which arose during the process of the 1990 Grants.

Under the General Grants, sub-section i) to iii) are presented to clarify the criteria. Sub-section i) will not affect groups such as the Catholic Youth Organization, which grant offsets recreational programs.

With respect to interest-free loans, this recommendation is pro-active in anticipation of future requests. The issue to be addressed is the fact that an interest-free loan is in essence a grant to an organization in the amount of non-paid interest. An amount to be calculated for this lost interest revenue will be charged to the grants budget. Further policies relative to interest-free loans will be forwarded to the Finance and Administration Committee in 1991.

The present policy is unclear as to whether audited financial statements are required. The proposed amendment in subsection v) makes it mandatory for any organization that has an approved grant of \$5,000 or more to supply audited financial statements of the prior year's operations before any grant payments are to be made. This provision should suggest to the organizations the need for fiscal responsibility.

Mr. J. D. Thompson
Secretary, Finance and Administration Committee
October 18, 1990 - Page Three

BACKGROUND: - Continued

Subsection vi) of the General Grant amendments provides for the changes suggested by the Arts Advisory Sub-Committee with the exception of the deletion of Question 7 concerning the geographic area of operation for the applicant. This question should remain as part of the application as the response would provide information as to the level of funding if the group operates outside of the City or if the request should be a Regional consideration.

The existing Grant policy provides for an annual Capital Grant provision of \$100,000 starting in 1991. During the 1990-1994 Capital Budget deliberations this project was deleted from the Capital Budget. However, to facilitate planning and funding of Capital Grant requests, a provision should be made within the Capital Budget to the extent of available funding for these kind of requests.

In terms of the Convention/Reception Grant application and policy, the proposed amendments is to ensure the criteria of the General Grants is consistent with these grants.

Subsection ii) addresses the potential abuse of this granting system. These grants are to recognize that an organization is holding an event in Hamilton, wherein a majority of the participants are from outside of the City. In some cases the organization is holding more than one event on the same occasion. The grant funding formula should be based on the one occasion and not on the basis of events or the length of the occasion.

Finally, from an administrative perspective, once these amendments have been approved by the Finance and Administration Committee and Council, the policy and applications should be available in November. Around this time last year when the Finance Committee was considering the Grant revisions for the 1990 Grants, the Committee suggested that the applications are not to be automatically mailed out. (See attached copy of the November 14, 1989 minutes of the Finance Committee.) However, this would essentially mean two mailings of material costing more money, paper and staff time. It may also create some deadline problems for some organizations should there be problems with the mail service. The Grants Review Group respectfully requests the Finance and Administration Committee to reconsider this administrative issue and authorize the Grants Co-ordinator to proceed in a similar fashion as in prior years and in a fashion that the organizations are accustomed to.

Att's.

c.c. Grants Review Group

EXHIBIT A

Changes to City's General Grant Application

THE CORPORATION OF THE CITY OF HAMILTON

GENERAL GRANT APPLICATION

Page 1
(Rev. 11/89)

Each organization applying for a grant is required to complete this form annually and forward same to Mr. D. K. Beattie, Grants Co-ordinator, Treasury Department, City Hall, 71 Main Street West, Hamilton, L8N 3T4 (telephone 546-2739), together with their supporting information indicated.

THE DEADLINE FOR SUBMISSION IS DECEMBER 31.

THE GRANTING OF ASSISTANCE IN ANY ONE YEAR OR OVER SEVERAL YEARS IS NOT TO BE INTERPRETED AS A COMMITMENT TO FUTURE YEARS' FUNDING.

In the event that more space is required in replying to any question, please use a supplementary sheet and attach to the application.

- * → a) Page 1 fourth paragraph "In the event that more space ... attach to application" be in bold lettering.

LIAISON PERSON _____ PHONE NO. _____

B. AMOUNT OF GRANT REQUEST: \$ _____

C. PURPOSE OF GRANT: (Indicate)

_____ CONTINUING GENERAL ACTIVITIES (OPERATING)

_____ CAPITAL

_____ ONE TIME - SPECIFIC PURPOSE

D. IF OPERATING GRANT, CALCULATE THE CITY'S CONTRIBUTION AS A PERCENTAGE OF YOUR TOTAL OPERATING BUDGET:

	AMOUNT	%
- OPERATING BUDGET - NOT INCLUDING GRANT REQUEST.....\$		
- CITY'S CONTRIBUTION (GRANT REQUEST).....\$		
 TOTAL OPERATING BUDGET	\$	100%
	=====	=====

NOTE: In most cases the approved grant may be limited to a maximum of 25% of the total operating budget after the initial grant year. The total operating budget must include any relevant charges for City property rentals and cost recovery of services.

FOR CITY USE ONLY

RECOMMENDATION

1) GRANTS REVIEW GROUP		2) FINANCE AND ADMINISTRATIVE COMMITTEE		3) APPEAL		4) CITY COUNCIL	
\$ _____		\$ _____		\$ _____		\$ _____	
CATEGORY _____		CATEGORY _____		CATEGORY _____		CATEGORY _____	
DATE _____		DATE _____		DATE _____		DATE _____	

GRANT PAYMENT

- UPON CITY COUNCIL APPROVAL	\$ _____	/	(date/cheque #)
- OTHER DATE OR INSTALMENTS	\$ _____	/	
	\$ _____	/	
	\$ _____	/	

- * → b) Add "Arts organizations' applications will be reviewed initially by the Arts Advisory Sub-Committee" at the bottom of the page.

4. Do volunteers participate in your program?

No ____ Yes ____ If yes, please indicate number and type of involvement.

* → c) Page 3 #4 - to be reworded as follows:

"If yes, please indicate number of volunteers and number of volunteer hours of work contributed annually" and type of involvement.

6. Does your organization provide a service to:

(a) All citizens _____

(b) A specific group _____

(c) A specific area _____

Describe briefly:

* → d) #6 - Add in brackets beside (b) and (c) "(which group; explain in detail)" and delete the words "Describe briefly".

7. In what geographical area does your organization operate?

* → e) Ignore #7 - deleted. → Grants Review Group recommends that Question 7 remain as part of the application

8. For what purpose are the requested grant funds to be utilized within your organization? Be specific.

9. For what reason does your organization merit the use of public funds for the purpose indicated above?

10. a) Has the organization requested financial assistance in the last twelve months from other organizations, e.g. federal, Provincial, or Municipal Governments, Private Corporations, Foundations, etc? YES _____ NO _____

If Yes, complete the following:

Date of Application	From Whom Requested	Amount Requested	Approved or Denied Amount
------------------------	------------------------	---------------------	------------------------------

- * → f) Page 4 #10 -- before the Note, add the following sentence: If no, please advise why other sources of funding have not been explored".

NOTE: YOU ARE ADVISED THAT CONSIDERATION WILL NOT BE GIVEN TO AN APPLICATION FOR FINANCIAL ASSISTANCE IF A SIMILAR APPLICATION HAS ALSO BEEN SUBMITTED TO THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH AND/OR AN ORGANIZATION THAT RECEIVES A SUBSIDIZED RENTAL RATE FOR USE OF A FACILITY OR FACILITIES UNDER THE JURISDICTION OF THE HAMILTON ENTERTAINMENT AND CONVENTION FACILITIES INC.

- b) Are any funds outlined above conditional upon City assistance. If yes, what are the ramifications of the City denying a Grant?

11. What other steps are being taken to increase revenues? Examples should be given such as increasing your membership or admission fees.

- * → g) #11 - question listed should be part (a) and add part (b) as follows:

"(b) If your organization is experiencing a financial deficit situation, please explain and detail your plans for addressing the deficit.

12. Does this organization provide a service for which a charge is made? Some examples are admission fees, membership fees and rental charges. If answer is "yes", give details.

* → h) Page 5 #12 Add the following "If applicable, please detail your organization's admission fees, membership fees, rental charges and audience statistics".

13. Have you received funding from the City in prior years? If so, when and how much?

<u>Year</u>	<u>Requested Amount</u>	<u>Approved Amount</u>
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

14. What are your estimated grant requests from the City of Hamilton for the next three years (exclusive of the present grant application year)?

<u>Year</u>	<u>Amount</u>
_____	\$ _____
_____	\$ _____
_____	\$ _____

THE GRANTING OF ASSISTANCE IN ANY ONE YEAR OR OVER SEVERAL YEARS IS NOT TO BE INTERPRETED AS A COMMITMENT TO FUTURE YEARS' FUNDING.

NOTE: An organization receiving a grant will NOT automatically qualify for continuing funding, and will be subject to annual evaluation.

15. What are the consequences to your organization of receiving no funding from the City of Hamilton?

16. Will your organization ever be self-supporting? If yes, when?

If no, how will your service be continued if financial assistance is terminated in the future by the City?

* → i) Page 6 Delete #16 and insert the following in lieu thereof:

"What are your organization's plans for becoming more financially self-sufficient?" If you do not foresee an increase in financial self-sufficiency, what are your organization's goals for the future?"

17. Would your organization agree, subject to your availability and if requested by the City, to perform or otherwise provide your services at public functions or events, free of charge?

* → j) #17 should become a requirement of the grant and not a request.

GENERAL GRANT POLICY

GRANTS TO OUTSIDE ORGANIZATIONS

CONTENTS

	<u>PAGE</u>
1. LEGISLATION	1-2
2. POLICY GOAL AND OBJECTIVES	2-3
3. GENERAL CRITERIA FOR CONSIDERATION OF GRANTS	3-4
4. PROCESSING OF GRANT APPLICATIONS	5-7

EXHIBIT B

Changes to City's General Grant Policy: Please see page 4

GENERAL GRANTS POLICY

3. GENERAL CRITERIA FOR THE CONSIDERATION OF GRANTS - continuedConsideration Will Be Given To: - continued

5. The degree to which the City will be expected to contribute to the total funding of the program.
6. Projects that are essential to the citizens of the City which cannot be financed by private business or donations.
7. The nature of each project and the relationship of the project to the responsibility of City Council.

* Page 4

Under 3 - General Criteria for the Consideration of Grants that the following be added as item 8:

"8. Individuals and/or private organizations under the auspices of an established non-profit arts organization.

(7 of 8)

GENERAL GRANTS POLICY

3. GENERAL CRITERIA FOR THE CONSIDERATION OF GRANTS - continuedConsideration Will Be Given To: - continued

5. The degree to which the City will be expected to contribute to the total funding of the program.
6. Projects that are essential to the citizens of the City which cannot be financed by private business or donations.
7. The nature of each project and the relationship of the project to the responsibility of City Council.

Consideration Will Not Be Given to:

1. A similar application which has also been submitted to the Regional Municipality of Hamilton-Wentworth.
2. Requests for grants to an individual, or to an individual group that is controlled by a parent organization (in this case the parent organization should apply for the grant, i.e., an association as opposed to a team).

* → Under "Consideration Will Not Be Given to", item 2 be changed to read as follows:

"2. Requests for grants to an individual, or to an individual group that is already under the control of a parent organization (in this case the parent organization should apply for the grant, i.e. an association as opposed to a team)."

- (e) A provision of \$100,000 each year beginning in 1991 in the 1990 - 1994 Capital Budget for Capital Grants. These grants would be processed through the Grants Review Group to the Finance and Administrative Committee for inclusion in the capital budget. Any unallocated funds would be transferred to a reserve for Grants as a Contingency Fund;
- (f) Grant applicants would be guaranteed of receiving the same level of funding that they had received last year (unless the applicant is a sunset or one-time only grant), however, upon review of the grant application the applicant may be slotted into the sunset category which would result in the funding being phased out in the next and future years.
- (g) As part of the application, a balance sheet, income statement and operating budget must be submitted and that eligible applicants must be in operation for at least one year.

It was moved by Alderman Murray, seconded by Alderman Drury and carried that Items 1 (a) and 2 (d) which deal with a two-thirds vote requirement of the Finance and Administrative Committee, be deleted.

Considerable discussion ensued on the methodology to be used in processing grant requests.

Following discussion, the Committee agreed that regardless of whether the Grant application is old or new, all applications received by the deadline will be considered by the Grants Review Group, following which there are recommendations, in alphabetical order will be forwarded to the Finance Committee for approval.

The Committee also agreed that applications received after the deadline will not be considered. In the event a member of the Committee or City Council insists that a late application be considered, the Finance Committee will decide whether or not to consider the application by a majority vote. Late applications will only be considered after all the applications received within the deadline have been processed and finalized.

The Committee directed the Grants Co-ordinator to properly advertise the deadline for the 1990 General Grants for 3 consecutive weeks.

It was also agreed that in 1991 applications will not be automatically mailed out to past grant recipients but rather a letter will be forwarded to all past recipients as well as new applicants who have requested an application form advising that they must contact the Office of the Grants Co-ordinator to arrange to obtain a copy of the grant application at which time they will be informed of the deadline for 1991 General Grants.

The Committee also agreed to delete Item 2 (f) above recommending that grant applicants would be guaranteed of receiving the same level of funding that they have received last year with certain exceptions.

The Social Planning & Research Council

155 James St. S., 6th Floor, Hamilton, Ontario L8P 3A4

of Hamilton and District

Telephone: 522-1148

7.

October 2, 1990

Alderman Brian Hinkley, Chairman
Finance and Administration Committee
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Alderman Hinkley:

I want to thank you for the opportunity to present our proposal concerning the use of West Avenue School as a Self Help Centre to the Finance and Administration Committee.

Our committee met on the Wednesday following our meeting with your committee, in order to discuss what our next steps should be. We felt we should send a letter to you and your committee thanking you for receiving us. At the same time, we felt we should put in writing some of the points which we covered at that meeting.

The proposed Centre would serve as a "home" to the growing number of self-help groups who provide crucial support to hundreds of our local citizens. At present, these groups suffer from a high attrition rate because of the problems they encounter in providing for their very minimal meeting-space and "overhead" needs.

The location of the West Avenue School building is ideally suited for these groups, given its proximity to major public transit lines. The building itself would provide ample space for group activities. We recognize that the school has been designated as a Heritage building and our project would result in no substantial changes to the buildings exterior.

As stated at the meeting, we propose that the building be leased from the City for \$1.00 per year. The Board of Directors for the proposed Centre would be responsible for annual maintenance and carrying charges. We are confident that funds will be available from the private sector to cover the costs of interior renovations.

Continued..../2

Alderman Brian Hinkley

October 2, 1990

To further explain our plans, we would like to invite the members of the Finance and Administration Committee on a tour of the building which can be arranged at your convenience. Ms. Jan Crook of the Volunteer Centre has agreed to coordinate this tour. She can be reached at 523-4444.

With respect to the issue of neighbourhood parking, we would be pleased to operate under the same terms as Theatre Aquarius, whereby parking spaces are provided for some of the neighbours residing in the surrounding area.

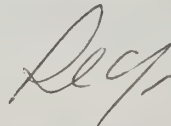
As we expressed in our submission, the further development of this proposal will require a significant investment of time and effort with respect to developing renovation plans and arranging for appropriate funding. It is, therefore, very important that we receive some indication of the Committee's recommendations by the end of January 1991.

We are pleased that you are planning a process for examining alternative uses for the facility. At the same time, however, we are hopeful that this process can be undertaken as soon as possible. It will be very difficult for our group to proceed further in our planning process until we receive the committee's decision.

For your information, I have appended a list of our committee members to this letter.

I look forward to further discussing our proposal with you.

Respectfully,



Reg Wheeler
Chairman
Self Help Centre Working Group

COMMITTEE MEMBERS

Reg Wheeler, Chairman

Ross Robinson

Emmy Weisz

Darlene James ----- Suicide Prevention

DR. Ken Ockenden ----- Hamilton General Hospital

Gary Michaluck ----- Assoc. of Agencies For Treatment &
Development

Bonnie Gillespie ----- Big Brother Association

Cheryl McQueen ----- Bereavement Services

Jan Crook ----- Volunteer Centre

Gail Rows ----- Suicide Bereavement Self Help Group

Mike Pennock ----- Social Planning & Research Council

Mr. Anthony Butler ----- Architect

8(a)

FOR ACTION

REPORT: Mr. John Thompson, Secretary
Finance & Administration Committee


FROM: Mr. K. E. Avery
City Clerk

DATE: 16 Oct 1990
COMM FILE:
DEPT FILE:

SUBJECT: Smoking In Public Places By-law 80-258
Smoking In The Workplace By-law 89-370
Licensing of Tobacco Shops

RECOMMENDATION:

- (1) That a staff review group, composed of representatives of the City Solicitor's Department and Licence Division, be established whose purpose will be to review and make recommendations with respect to the Smoking In Public Places, Smoking in the Workplace and Tobacco Licensing By-laws;
- (2) That the mandate of the Staff Review Group will be to meet with representatives of all interested groups, agencies and organizations in order that a comprehensive report containing recommendations can be prepared for submission to the Finance and Administrative Committee.



for K.E. Avery

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

N/A

BACKGROUND:

At the meeting of the Finance and Administration Committee held April 5, 1990, staff was requested to prepare a report respecting the Smoking In Public Places By-law 80-258.

Several meetings were held with the Smoking Control Officer and the City Solicitor's Department to discuss this By-law, outstanding citizen concerns and problems identified by staff which pertain to enforcement of the regulations.

The Smoking In Public Places By-law which has been in effect since 1980 provides regulations for the following facilities:

Retail Stores
Banks
Municipal Offices
Elevators and Stairways
School Buses
Places of Public Assembly

Hospitals
Financial Institutions
Reception Areas
Service Lines
Theatres
Taxicabs

During the past four (4) years with the development of a Smoking Control Program and taking into account that the By-law has been in effect for ten (10) years, it is our view that there is wide public acceptance of the smoking regulations. Notwithstanding this statement, thirty-five (35) complaints have been received this year which relate specifically to this By-law. Eleven (11) convictions have been registered over the 4 years: eight (8) of these convictions relate to failure to post signs; the remainder relate to actual smoking offences.

To reiterate, it is our opinion that there has been a wide acceptance and compliance with the provisions of the Smoking in Public Places By-law. Most smokers are respecting the regulations despite the lack of signs in many facilities and the continued complaints of non-compliance of the By-law.

The following is a list of concerns which have been identified:

1. No Smoking Regulations in Food Shops

In a number of larger food stores, smoking may be permitted at the lunch counters. This has resulted in smoke drifting to food and produce displays.

2. Smoking on Stairways and Underground Parking Areas in Apartment Buildings.

This problem has been identified particularly in areas where signs have been incorrectly placed or are too small to be seen. There may also be a lack of proper supervision by the apartment management.

3. Smoking in Bowling Alleys

This problem continues to be of concern, particularly in the actual bowling area where the scores are kept.

4. Smoking in the Common Areas of Shopping Malls

As a result of complaints received during the past few years, the public would like to see some restrictions on where persons can smoke and perhaps some consideration could be given to designated smoking areas.

5. Smoking in Restaurants

From the number of inquiries and complaints which the Licence Division has received over the years, it appears that the public wants an increase in the size of the no smoking areas in restaurants. Many restaurants have voluntarily increased their no smoking areas to accommodate their patrons, however, there are far more restaurants providing only the minimum requirement. The current requirement is to provide for a 20% no smoking area.

6. Smoking in Beauty Salons

The present By-law does not address Beauty Salons or Barbershops and Beauty Salons are considered to be a high complaint area.

7. Interpretation of the Smoking in Public Places By-law

Section 21(1) of the By-law states "notwithstanding Section 20, a graphic symbol in accordance with subsection 4 may be used to indicate a No Smoking area". This section has been interpreted by some to mean that a person may opt out of providing any No Smoking signs. It is essential that this section of the By-law be clarified.

8. Enforcement of the No Smoking regulations in City-Owned Arenas

This problem pertains to spectators who smoke at the various arenas.

9. General By-law Enforcement

An additional concern with enforcement is the inability of City inspectors to identify an individual in order to issue an official warning and lay charges. We are not suggesting that our inspector be given this power to request identification, but unless the individual voluntarily provides his or her name etc., a charge cannot be laid. It should be realized that the effectiveness of the By-law is weakened because of this.

SMOKING IN THE WORKPLACE BY-LAW 89-370

While the Workplace By-law has only been in force since March 1, 1990, we have received several hundred inquiries and complaints. Although we are receiving good co-operation from workplaces, the following areas of concern have been identified.

1. Lunch Rooms

A major concern for many employees pertains to smoking in lunch rooms located in the workplace. Under the Workplace By-law, smoking in a lunch room is not prohibited. The majority of the complaints about the Workplace By-law concern staff lunch rooms.

2. Exemptions

Section 2(3) of the Smoking in the Workplace By-law 89-370 states that the workplace or parts thereof that are regulated under the Public Places By-law 80-258 are exempt from the Workplace regulations. Locations which are affected by this exemption are: all retail businesses which have work areas located within the public area and workplaces which have a reception area or service counter adjacent to them. This has lead to confusion and to some extent undermined the effectiveness of the Workplace By-law to regulate the many employees who are working in businesses now regulated under the Public Places By-law. This is the second highest complaint area.

3. Notification of the Smoking In The Workplace By-law

There are many businesses in the City of Hamilton which have not complied with the Workplace By-law. To contact all companies would be extremely costly and would draw heavily on limited staff resources. However, an additional advertisement placed in the local newspapers with respect to the requirements of the Smoking In The Workplace By-law would be beneficial to all citizens.

It is respectfully suggested that public input be sought from all interested groups and organizations in order that a report with recommendations can be prepared.

HWICSH

8(4)

Hamilton-Wentworth Interagency Council on Smoking and Health

123 Woodview Crescent, Ancaster, Ontario, L9G 1E8

Members

Canadian Cancer Society
Canadian Diabetes Association
City of Hamilton
City of Hamilton Fire Department
Girl Guides of Canada
Hamilton Academy of Medicine
Hamilton Association of Pharmacists
Hamilton Board of Education
Hamilton Health Sciences Public Relations Group
Hamilton Occupational Health Nurses' Association
Hamilton-Wentworth Non-Smokers' Rights Association
Hamilton-Wentworth Roman Catholic School Board
Health and Welfare, Canada
Heart and Stroke Foundation of Ontario
Lung Association of Hamilton-Wentworth
McMaster University
Mohawk College
North End Children's Centre Inc.
Physicians for a Smoke-Free Canada
Redeemer College
Regional Municipality of Hamilton-Wentworth Department of Public Health Services
Region of Hamilton-Wentworth
Wentworth County Board of Education
YMCA
YWCA

REPORT TO:

Chairman and Members,
Finance and Administration Committee (FAC)
Attn: Mr. John D. Thompson, Secretary

FROM:

Barbara A. Gowitzke, Ph.D., Chair,
Hamilton-Wentworth Interagency Council on
Smoking and Health (HWICSH)

DATE:

October 17, 1990

SUBJECTS:

(1) Sale of Tobacco to Minors
(2) Public Places By-Law 80-258

INTRODUCTION:

As the letterhead of this Council clearly indicates, HWICSH represents 25 organizations which are grouped into four categories as follows:

1. Health Agencies:

Canadian Cancer Society
Heart and Stroke Foundation of Ontario
Lung Association of Hamilton-Wentworth
Hamilton-Wentworth Non-Smokers' Rights Asso.
Canadian Diabetes Association
Hamilton Academy of Medicine
Hamilton Association of Pharmacists
Hamilton Health Sciences Public Relations Group
Hamilton Occupational Health Nurses' Association
Health and Welfare, Canada
Physicians for a Smoke-Free Canada
Regional Dept. of Public Health Services

2. Educational institutions:

Hamilton Board of Education
Hamilton-Wentworth Roman Catholic School Board
McMaster University
Mohawk College
Redeemer College
Wentworth County Board of Education
North End Children's Centre, Inc.

3. Recreation and Fitness Agencies:

Girl Guides of Canada
Y.M.C.A.
Y.W.C.A.

BREAKfree

For a new generation of non-smokers

4. Government:
Corporation of the City of Hamilton
Region of Hamilton-Wentworth

It is important to note that the provincial counterpart of HWICSH is called the Ontario Interagency Council on Smoking and Health (OICSH); at the national level, it is called the Canadian Council on Smoking and Health. In every sizeable municipality throughout Canada, and in every province, comparable interagency councils exist and are organized in similar fashion.

BACKGROUND:

(1) Sale of Tobacco to Minors

In the Spring of 1989, a delegation from HWICSH made a deputation to the City of Hamilton's Legislation Committee and requested that By-Law 79-253 be activated. This by-law was intended to regulate the sale of tobacco products to minors (in Ontario, under the age of 18), but has never been implemented.

On April 2, 1990, the Chair of HWICSH wrote a letter to the Chairman and Members of the Finance and Administration Committee regarding this issue. When no response was received, a second letter was sent on April 18, 1990 requesting a meeting with the FAC. Finally, a telephone call was received from Alderman Hinkley during which it was stated that staff were working on this issue.

Apparently, a meeting of FAC was held June 21, 1990 at which time a report on the subject of re-enacting a Tobacco Licensing By-Law to regulate the sale of tobacco to minors was received from Mr. Steve Dembe, Manager of the Licence Division. It was decided that no further action was necessary. A copy of a notice indicating that there was no further action, sent by Mr. John Thompson to Mr. Steve Dembe, was received by the Chair of HWICSH dated July 10, 1990.

(2) Public Places By-Law 80-258

On April 2, 1990, the Chair of HWICSH wrote a letter to the Chairman and Members of the Finance and Administration Committee regarding the updating of 80-258. When no response was received, a second letter was sent on April 18, 1990 requesting a meeting with the FAC. Finally, a telephone call was received from Alderman Hinkley during which it was stated that staff were charged with preparing a report for FAC which should be ready in September.

The Chair of HWICSH reiterated the urgency of the matter particularly because "the 11th hour" amendment to the Smoking in the Workplace By-Law 89-370 linked the two by-laws closely together. It has been noted that interpretation of the two by-laws allows people to play one by-law against the other,

and, in so doing, interpret smoking regulations to meet their own particular desires.

LEGISLATION COMMITTEE OF HWICSH:

On June 26, 1990, a letter was sent to the Chairman and members of the Finance and Administration Committee by the Chair of HWICSH. The purpose of the letter was to indicate that HWICSH had formed a standing Legislation Committee, to be chaired by Dr. Michael Goodyear. The letter indicated that the Legislation Committee had been given the authority to act for the HWICSH on matters dealing with legislative affairs. It further stated that the Legislation Committee would be providing input to the FAC and staff.

Correspondence has been sent by the Chair of the Legislation Committee of HWICSH to the Chair of FAC on September 12, 13 and 14. Issues concerned with the sale of tobacco, especially to children, and the exposure to tobacco smoke in public places were addressed.

A letter was received from Alderman Brian Hinkley on September 13th, inviting a delegation from HWICSH to meet the FAC. Accordingly, the meeting of October 25th was arranged.

A brief to be presented by Dr. Michael Goodyear will highlight the substantive concerns as well as the recommendations of HWICSH. Following Dr. Goodyear's presentation, it is hoped that the FAC will invite members of HWICSH to make specific input to the work of the staff and/or committee concerned with these two issues.

THE URGENCY OF THE ISSUES:

The importance and urgency of these matters cannot be overemphasized. Statisticians from the World Health Organization revealed, April 4, 1990, that "500 million people will die from smoking in the next 25 years" and "smoking will be the No. 1 cause of death in the world by the turn of the century".

Back home, here in Canada, the problem is especially acute among our youngsters. The seriousness of the problem is best explained by quoting from Children and Tobacco Fact Sheet #3, written by Dr. Don Wigle, Chief of Disease Surveillance and Risk Assessment, Health Protection Branch, Health and Welfare Canada:

"At current death rates, for every 100,000 smokers now age 15 (boys and girls), the following deaths will occur before they reach age 70: car accidents - 1200, suicide - 900, murder - 130, AIDS - 70, drug abuse - 10, smoking tobacco - 18,000!!!"

That's almost eight times the total number of deaths due to car accidents, suicide, murder, AIDS and drug abuse combined!

8(c)

THE CITY OF HAMILTON
FINANCE AND ADMINISTRATION COMMITTEE

A BRIEF

REGARDING SMOKING

- * IN PUBLIC AREAS
- * THE WORKPLACE
- * LICENSING THE SALE OF TOBACCO

FROM

HAMILTON - WENTWORTH NON-SMOKERS' RIGHTS ASSOCIATION

Presented by:

Brian Reid, P.Eng.
President
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Hamilton, Ontario
L8N 3T2
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FAX 575-2379

October 17, 1990.

THE SMOKING ISSUE

The Hamilton-Wentworth Non-Smokers' Rights Association has been making presentations to councils in the Hamilton-Wentworth region since 1978. We are pleased to have the opportunity to appear before the Finance and Administration committee and new committee members Brian Hinkley, Terry Cooke and Dominic Agostino.

In this brief, we wish to address legislation regulating:

- * Smoking in Public Areas (Bylaw 80-258)
- * Smoking in the Workplace (Bylaw 89-370)
- * Licensing the Sale of Tobacco (Bylaw 79-323)

Hamilton's Public Areas Bylaw 80-258 was considered the most progressive smoking control legislation at the time of passage in 1979. With the change in public attitude over the past ten years, The City of Hamilton should consider amending this bylaw to bring it into line with current attitudes as reflected in the workplace bylaw 89-370. The Hamilton Workplace Bylaw attempts to provide an environment that is free from passive tobacco smoke. The Public Areas Bylaw should attempt to provide a smoke-free environment in public places.

SMOKING IN PUBLIC AREAS.

Retail Shops

There should be no smoking in retail shops including hairdressing parlours, barber shops, rest rooms, and shopping malls.

Hospitals

Areas hospitals are considered as part of the workplace, hence should be deleted from this bylaw.

Banks, Financial Institutions and Municipal Offices

There should be no-smoking in the public areas in these facilities.

Reception Areas

Reception areas should be smoke-free.

Theatres and Other Places of Public Assembly

Theatres, assembly halls and arenas should be smoke-free.

Bus Shelters

There should be no smoking in bus shelters.

Restaurants

We should be working to achieve smoke-free dining. Smoking should only be permitted in separate rooms that are ventilated separately to the outside. As an interim measure, the size of the no-smoking area should be increased to 50% with an increase of 10% a year until it is 80% of the size of the restaurant is smoke-free.

Taxicabs

This service should be similar to airport limousines, which are no-smoking.

Bars, Bingo Halls and Places of Adult Entertainment

The no-smoking area should be 50% of the area of the facility.

SMOKING IN THE WORKPLACE

Places that are not included in the Public Area bylaw should be considered a Workplace for the purposes of regulating smoking.

LICENSING THE SALE OF TOBACCO

Since the non-smokers' rights movement was founded in 1975, we knew that we would have to address the important issue of children smoking. While everything that we do relates to children and the smoking issue, we think that the sale of tobacco to minors should be controlled by licensing the sale of tobacco.

There is much emphasis about the use of illegal drugs by children, but the use of tobacco has not been adequately addressed by people in power.

Tobacco is not only harmful to the smoker, it damages the health and those who are exposed to tobacco smoke. By licensing the sale of tobacco, the city will have a method of removing the privilege of tobacco vendors who sell cigarettes to minors.

With approximately 1,500 vendors in the City of Hamilton, a licence fee of \$100 would generate \$150,000 to administer the regulation of the sale and use of tobacco.

SUMMARY

It is obvious that the use of tobacco is a health hazard. We either "stick our heads in the sand" and avoid the issue or listen to the health experts who have provided the evidence that smoking is the NO. 1 health issue, and do something about it. By updating the public places bylaw, and implementing the licensing of the sale of tobacco, the City of Hamilton will be contributing to the remedy of this important health issue.

The Ontario Cancer Treatment and Research Foundation

Hamilton Regional Cancer Centre

HENDERSON CLINIC

711 CONCESSION STREET, HAMILTON, ONTARIO L8V 1C3 • PHONE: (416) 387-9495

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FAX 575-6326

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MAR 15 1990

March 7, 1990

Councillor Brian Hinkley
Chairman, Finance and Administration
Committee
Corporation of the City of Hamilton
71 Main Street West
Hamilton, Ontario
L8P 1H4

Dear Mr. Hinkley:

Re: Revision of By-Law 80-258

In the amendments to the above by-law, we must take into account two general principles.

1. The need to protect individuals from Environmental Tobacco Smoke (ETS).
2. To have a comprehensive and consistent policy across all public places.

There is universal opinion amongst public health professionals that ETS has no safe threshold for exposure. Therefore, ideally, no exposure to ETS should be allowed, or at the very least should be confined to a fully enclosed area, not normally frequented by members of the non-smoking public, which is separately ventilated to the outside.

Unfortunately, these principles have not readily found their way into municipal legislation which displays wide inconsistencies across Ontario municipalities and between categories within the municipalities. For instance, the proportion of a specific area allocated for smoking may vary by as much as 30% to 70%. The recent provincial Smoking in the Work-place Act provides guidance in this regard, in that it states that a maximum of 25% of an area may be allocated to smoking, a figure derived from the estimated prevalence of smoking in the adult population. Obviously this figure is considerably less if the entire population is considered, keeping in mind that it is illegal to smoke under the age of eighteen. Recent legislation covering federal jurisdiction applies to similar principles.

We would, therefore, recommend that if smoking is to be allowed at all in public places that it should allow a maximum smoking area of 25% in areas restricted to adults, and of 15% in areas

accessible by all members of the public, keeping in mind that the prevalence of smoking in Canada is declining steadily (per capita consumption in Canada declined by 8% during 1989). The following is a list of public places that have been included in Canadian Municipal By-laws and which public health authorities consider to constitute a minimum comprehensive policy.

1. Restaurants
2. Municipal offices
3. Financial Institutions
4. Reception/waiting areas
5. Service lines/counters
6. Elevators/escalators/stairways/hallways
7. Health care facilities
e.g. hospitals, clinics
8. Nursing homes/extended care facilities
9. Child care facilities
10. Waiting rooms for public transportation and transit shelters
11. Public transportation
12. School buses
13. Taxis
14. Places of public assembly for entertainment, education, worship, business
e.g. Libraries, theatres, museums, churches, auditoria
15. Places of public assembly for recreation
e.g. arenas, gymnasium
16. Bowling alleys, pool and billiard halls, bingo halls
17. Public meetings
18. Licensed premises
e.g. bars, night clubs, canteens, taverns
19. Retail stores
20. Shopping centres and malls
21. Public washrooms
22. Personal service establishments
e.g. beauty parlours, barber shops, health clubs, and tanning studios
23. Educational institutions
e.g. schools, colleges, universities
24. Workplaces frequented by the public
e.g. offices
25. Workplaces not frequented by the public
e.g. factories

With regard to items 22, 24, and 25 above, these are being covered by by-law 89-370 and require no further attention at present except to suggest that eating areas be specifically included in the list of spaces specifically exempted from being designated smoking rooms in section 6. I believe that currently this is implicit rather than explicit.

Further to the above we would wish to address our concerns regarding the presence of ETS in eating establishments. Quite apart from the aesthetic problems associated with ETS ability to severely interfere with the sensation of taste, the risk of eating in the presence of carcinogens is a serious one.

are involuntarily transmitted to the mouth and absorbed into the body under such conditions. ETS, being a micro-aerosol contains particulate matter which is absorbed onto surfaces such as furnishings, clothes, skin, hair, and food. Thus, the total exposure to carcinogens of individuals eating in the presence of ETS is considerably greater than individuals who merely breath ETS. We would recommend that all eating establishments provide areas completely free of ETS.

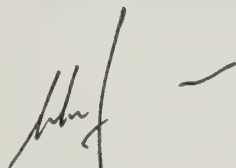
Item 20 is a matter of some urgency. The elimination of ETS from retail stores has shifted the problem into the common areas of shopping centres and malls where air quality has deteriorated markedly. We recommend that these should be completely smoke-free. Items 5, 6, and 12 are covered under by-law 80-258. The only minor amendment here would require adding hallways to the categories in item 6.

Items 9 and 23 should be completely smoke-free. It is quite unacceptable to allow ETS in child care centres and it is illegal for minors under the age of eighteen to smoke in Ontario.

We would urge you to eliminate ETS from health care facilities (items 7 and 8).

I hope the above analysis is of some assistance to you and your committee. I believe that the economic and health aspects have been sufficiently gone over to not require any reiteration here. However, we will endeavour to keep you up-to-date with any new developments. Please do not hesitate to contact me or my colleagues for further information or clarification.

Sincerely,



(Dr.) Michael D. E. Goodyear, BMEDSc, MBBS, FRACP, FRCPC, FACP
Depts. of Clinical Trials and Medical Oncology, Regional Cancer Centre
Assistant Professor, Dept. of Medicine, McMaster University
Spokesperson on Tobacco and Health, Hamilton Academy of Medicine

MG:rv

cc Mr. John Thompson, Secretary, Finance and Administration
Mr. S. Demby, Manager of Licensing Division
Mr. L. Staley, Smoking Control Officer
Ms. Lian Lawrence, City Solicitors Office
Dr. B. Gibson, Medical Officer of Health

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CORPORATION OF THE CITY OF HAMILTON
LEGISLATION COMMITTEE

A BRIEF
CONCERNING
PROPOSED LEGISLATION
on
SMOKING IN THE WORKPLACE

From

ONTARIO CANCER TREATMENT AND RESEARCH FOUNDATION
PHYSICIANS FOR A SMOKE FREE CANADA
HAMILTON ACADEMY OF MEDICINE

Presented by:

Dr Michael D E Goodyear, BMedSc, MBBS, FRACP, FRCPC, FACP,
Assistant Professor of Medicine,
Regional Cancer Centre,
McMaster University.

711 Concession St.,
Hamilton, Ontario, L8V 1C3,
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Monday, November 20, 1989.

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I BACKGROUND INFORMATION

(a) Health Risks.

Environmental Tobacco Smoke (ETS) is now classified as a human carcinogen and mutagen, that is a chemical or mixture of chemicals proven to cause cancer and genetic defects in man. Tobacco has been placed under the Federal Hazardous Products Act, and contains at least 42 chemicals designated as toxic under the Ontario Occupational Health and Safety Act.

The US Environmental Protection Agency (EPA) has recently described ETS as the largest source of indoor air pollution and the major source of human exposure to carcinogens and mutagens. The EPA has recommended the elimination of ETS in all workplaces, public places, and the home. In doing so it joins many influential bodies including the World Health Organisation, the US Surgeon-General's Department, the US National Research Council, the President's National Cancer Advisory Board, The Canadian Centre for Occupational Health and Safety, the Ontario Federation of Labour, and the entire Canadian medical, scientific and health communities.

The risks of cancer and other tobacco related disease, including chronic lung disease, diseases of the heart and blood vessels, such as heart attacks and stroke, and congenital defects and genetic damage in unborn children, in non-smokers exposed to smoke in the workplace are similar to those experienced by smokers reporting the consumption of 10 cigarettes per day. Essentially there is no such thing as a non-smoking employee in a work environment which allows the generation of the combustion products of tobacco. As an example, the risks to an exposed woman of developing cancer of the uterine cervix are between three and four times that of a non-exposed woman. Children born to women exposed to ETS during pregnancy show changes in their cellular genetic material which place them at a greater life-time risk of developing cancer. ETS is estimated to cause about 1,500 unnecessary deaths in Ontario per year.

Smoking causes between 2000 to 4000 fires per year in Ontario, approximately 40% of which occur in the workplace. As a result of which there are nearly 600 deaths and injuries. Cigarettes are especially designed with the addition of a number of chemicals to ensure that they continue to burn even when the smoker is not inhaling. Smoking remains the largest single cause of fire in Canada.

38% of employees report health conditions which are aggravated by ETS.

Insomuch as smoking in the workplace entails regular placing of an object in the mouth with the hands there are a number of concerns regarding the increased health risks involved where this occurs in an industrial process. In those industries involved in the processing of toxic substances such as lead, regular blood tests are required from workers. Studies show that detectable blood levels of many industrial contaminants such as lead, are much higher in workers who smoke on the job, than in non-smokers, due to the regular transmission of these contaminants to the mouth, on the hands, and on the cigarettes when these are put down in between inhalations. Although there is no currently available data on the association between smoking and industrial accidents other than fire, the smoking process involves holding the cigarette in one hand for most of the time that it is ignited. A recent study showed an association between the smoking process and involvement in motor vehicle accidents, with the increased risk being about three times that for those not smoking while driving.

In processes such as steel mills, sub-lethal amounts of carcinogens are released into the atmosphere. ETS contains a number of compounds called co-carcinogens and promoters which effectively lower the safe threshold for industrial chemicals by enhancing their tumour initiating and promoting effect. The interaction between smoking and asbestos is an example of this process.

(b) Extent of Tobacco Problem.

Currently about 25% of the workforce smoke, a figure which is declining at a rate of approximately 1% per year. Smokers spend \$2.3 billion per annum on cigarettes, although sales have been falling steadily since 1981, by a cumulative 20%, while national sales are down over 6% for 1989 to date compared to the same period in 1988. Ontario sales have not declined in the last year, probably due to the absence of any increases in Ontario Tobacco Taxation in 1989. Approximately 19,000 deaths are attributed to tobacco usage in Ontario per year, or a quarter of all deaths, and therefore the largest single cause of death in our society, while for every death there are about ten people seriously disabled.

(c) Economic Costs of Smoking.

Smoking costs the Ontario economy \$3 billion per annum in absenteeism, decreased productivity, injuries, premature retirement and death, increased health costs, depreciation, cleaning and maintenance. Each full-time smoking employee costs their employer \$10,000 per annum compared to the cost of hiring a non-smoker. These estimates only take into account costs due to active smoking, not those of passive smoking.

The Federal Government published an economic analysis of the effects of workplace smoking legislation in October 1989. Applying these principles to the Hamilton workforce, would result in a total savings of \$15 million per annum. 32% of this is in reduction in maintenance and cleaning costs, 4% in reduced property damage and depreciation and 64% in the reduction of the adverse effects of smoking on non-smoking employees, costed as reduction in absenteeism and increased productivity. Additional savings not factored into these considerations include the improved health of smoking employees and reduced health and fire insurance premiums. Obviously the savings to society as a whole would be considerably more than these savings which would accrue to employers. Introduction of lesser restrictive measures would offset these savings proportionally.

(d) Employee Attitudes.

According to a Federal Government study carried out in 1986, 97% of nonsmoking employees and 85% of smoking employees favour the removal of tobacco smoke from the work environment, and that the rights of non-smoking employees should prevail.

Workplace smoking prohibitions have been shown to be effective, well tolerated, and result in an overall improvement in staff morale. Virtually every smoker is trying to quit with varying degrees of success. Following the elimination of workplace smoking, quit rates have increased from 1% to 4% per annum, and the average number of cigarettes smoked during a 24 hour period by smoking employees has declined by 25%. In general half-way measures have been less successful and may lead to a deterioration in employee satisfaction.

(e) Ventilation.

ETS is a micro-aerosol with both a gaseous and particulate phase, and as such is extremely difficult to remove from the atmosphere, although it eventually precipitates out on solid surfaces, including ventilation equipment, machinery, furnishings, hair, clothes and the skin, where it may be very persistent.

Calculations of the required air exchange to reduce ETS have involved the need to reduce the health risks to 'acceptable' levels. Based on guidelines used in the control of other environmental toxins, i.e. a lifetime risk of developing cancer of between 1:100,000 and 1:10,000,000, then an exchange rate of 153,000 Liters/min per occupant would be required. Such rates are not physically achievable by current systems and would produce intolerable working conditions, equivalent to approximately a Force 9 gale.

Even maximum tolerable air changes, about 230 per hour would be prohibitively expensive at approximately \$40,000 per smoker. Consequently there are no recommended ventilatory standards for workplaces occupied by both smokers and nonsmokers. For areas occupied by smokers alone, the 1981 standard of the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE), ASHRAE 62-1981 are frequently cited. These standards were designed to reduce odour to a level tolerable by 80% of the population and provide for 566 Litres of outside air per minute per occupant.

The important considerations in design must include the following: (i) total enclosure with non-porous materials of the space wherein smoking is allowed; (ii) ventilation of the space to the exterior of the building by a system completely separate from the ventilation provided in the rest of the building; (iii) maintenance of a negative pressure in the smoking space relative to the rest of the building; (iv) exhaustion not only of the physical working space, but also of the space between the artificial drop ceiling and the true (structural) ceiling. It is appreciated that economic considerations may well dictate that this is an infeasible solution and prompt consideration of a total prohibition. Federal regulations require the inclusion of the above for any buildings completed after January 1st, 1990, in which smoking is permitted.

(f) Legal Aspects.

Although in the past it has been difficult for non-smoking employees to obtain satisfaction from their employers through the legal process in cases involving compensation for damages, this is beginning to change. Of particular note are *Shimp v New Jersey Bell Telephone Co.* (77 NJL 368 A.2d 408). Judgement was found for the plaintiff because the judge noted that Bell, like a number of other high technology firms protected their equipment from the harmful effects of cigarette smoke, but not their employees. The Ontario Court of Appeal (*Berger v Willowdale A.M.C.*) recently reiterated the judgement in *Shimp v New Jersey Bell*, stating that "...an employer owes a duty to its employee of providing and maintaining a safe working place...", and the Ontario Supreme Court similarly -

"...the common law right of the smoker to smoke and the common law right of the proprietor to carry on business without restrictions must be subject to the right of their neighbours to good health, free from the health hazard or discomfort occasioned by second hand smoke."

Under the grievance mechanism *Wilson*, in *Public Service Alliance of Canada v Treasury Board of Canada* charged that the

employer was in violation of the collective agreement by condoning a dangerous substance in the workplace contrary to the Dangerous Substances Safety Standard. In his written judgement the adjudicator noted that

"...I find that passive tobacco smoke is a 'dangerous substance' within the meaning of the Standard...the only way nonsmoking employees can be adequately protected is by restricting smoking to seperately ventilated rooms...the employer pursuant to section 15 of the Standard had an obligation to sample and test the atmosphere in the workplace as frequently as might be necessary to ensure that the level of of contamination did not at any time exceed the the safe limits prescribed by sections 13 and 14...I declare that...the employer was in breach of the Dangerous Substances Safety Standard...in that it failed to confine tobacco smoke...to sample and test the atmosphere...for the purpose of determining the presence of beta-naphthylamine and 4-aminobiphenyl..the grievance is upheld."

Employees have also successfully challenged the safety of their working conditions under their right to refuse to work in unsafe conditions as in *Timpauer v Air Canada*.

These cases involving Federal Government departments and agencies eventually led to the total prohibition of smoking by federal employees, as of January 1, 1989.

The common law and statutory rights of workers to a safe and healthy workplace have been well documented recently, as has the establishment of ETS as constituting an unsafe environment. On November 30th 1988, the then Minister of Labour stated in the Legislature that the Government of Ontario considers that a smoke-free workplace is now considered the norm. Recent changes in the Occupational Health and Safety Act have established the rights of all workers to information regarding hazardous substances in the work environment. Current legal opinion is that an employer would now be on very shaky ground in defending an action brought by an employee on the grounds of an unsafe workplace due to ETS.

(g) Legislative Activity.

Widespread concern by the medical profession and the general public followed the publication of the 1986 US Surgeon-General's Report 'The Health Consequences of Involuntary Smoking'. Once the general public became aware that their own health was threatened in addition to that of the smoker, there was a widespread demand for the curtailment of smoking in public places, mainly at the grassroots level, and Hamilton introduced its Smoking in Public Areas bylaw in 1980.

However the majority of the exposure to ETS by the general public occurs in their workplace. Smoking in the workplace is a relatively new phenomenon, dating from the Second World War. Early municipal activity in this area was seen in San Francisco, followed by Vancouver, the City of Toronto and other Metropolitan Toronto boroughs, and most recently, New York City.

New York State introduced its own workplace legislation earlier this year, Quebec in 1988 and Ontario's Smoking in the Workplace Act comes into force on January 1st 1990 at the same time as the Federal Non-Smokers' Health Act covering federally regulated workplaces. This year has also seen the total prohibition of smoking within both the federal and provincial public service and within many large corporations, especially those owning large modern hermetically sealed buildings, such as IBM, and the major Canadian banks. In the city of Seattle, virtually every industry has elected to go smoke-free and many of them have published a policy of not hiring smokers.

The Ontario law was introduced by the Government as a 'minimal standard' within which municipalities can act. The Minister of Labour announced that the Government considered that the social norm was a smoke-free workplace, and that his intention was that his bill would be a step towards a totally smoke-free Ontario. At the same time the Cabinet announced that as the Province's major employer, it was deciding to adopt a completely smoke-free workplace in two stages.

This Act covers only private workplaces and states that there shall be no smoking in enclosed workplaces. However it does allow employers to create smoking areas if this is considered necessary by the Joint Health and Safety Committees. There is no doubt as to what the Government's intent was in how they hoped this Act would be interpreted, although no guarantee as to what will happen in practice. However the City of Hamilton and local employers will have to work within the limits of this Act.

The Federal Act applies to financial institutions, transportation, communication, correctional services, the RCMP and military. Although not finalised, since most of the details were left to regulation, this Act is considerably more stringent, confining any smoking to rooms falling within the definitions outlined in section (e) of this document. However it is likely that many industries and other organisations will decide, in the same way as the Federal Treasury Board, that establishing such rooms would be prohibitively expensive and not achieve the aims of the legislation, and therefore adopt the completely smoke-free option. The overall reaction to the first version of these regulations when they appeared was to urge the Government to adopt a more restrictive policy, which it has undertaken to do. Since the Federal Act, unlike the Ontario Act, will apply to any members of

the public in a federal workspace, it is now fairly certain that all public transport will be smoke-free next year. While the Federal Act will only apply to a section of the Hamilton workforce, nevertheless it forms an important standard with which to judge other legislation. In addition some 6000 public servants (about 2% of the workforce) are already working in smoke-free environments in this city.

In April of this year, the Ministry of Health instructed all Health Units and Medical Officers of Health to take action to reduce tobacco consumption and exposure to tobacco smoke in their areas, with recommendation that programmes to implement these new Mandatory Guidelines be implemented within a year. These programmes also formed the central theme of the Speech from the Throne at the opening of the new parliamentary session, and the Government has now created a new Ministry to deal with all aspects of substance abuse (see below).

(h) The Addicted Smoker in the Workplace.

In August of this year, the Royal Society of Canada produced a report for the Federal Government entitled 'Tobacco, Nicotine, and Addiction'. This report unequivocally labels Tobacco as the commonest and most addicting drug in use in Canada. It is appropriate to consider this issue during Drug and Alcohol Awareness Week.

Since tobacco use can be considered an addiction, it has obvious implications for the management of tobacco use in the workplace. More recently attitudes to other substance abuse in the workplace have undergone considerable change, in that victims of the addiction are no longer condemned outright but in many cases joint worker-management programmes have been established for detecting the impaired worker and helping them seek rehabilitation. However under no circumstances does this entitle the addicted worker to continue to abuse drugs in the workplace.

This is considered an appropriate model for dealing with the tobacco problem, although this numerically larger. There is no justification for considering that smokers have rights to continue to smoke in the workplace. Smoking workers perform poorly, are a poor investment and constitute a major hazard to both fellow employees and employers. However programmes should be established to help addicted workers get help. Many major health agencies have developed specific programmes for dealing with this problem in the workplace.

(i) Hiring policies in Regards to Tobacco Addiction.

Just as abusers of other drugs continue to be impaired for some time after taking drugs, smokers continue to exhale toxic substances for some hours after smoking a cigarette. For this reason a number of high-technology industries where immaculate working conditions are critical have refused to employ smokers, since it was found that they continued to produce deposits of respirable particles on critical components, even after smoking was prohibited in the workplace. Contemporary legal opinion is that

"...human rights legislation in Canada is based on specific prohibitions, and there is nothing in any provincial or federal legislation which expressly prohibits discrimination based on smoking."

A similar position was also taken by the US Equal Employment Opportunity Commission.

(j) The Situation in Hamilton.

Although only a small part of the overall tobacco epidemic, lung cancer is considered a useful marker for tobacco related disease, and there are reliable data readily available. Hamilton-Wentworth (see map) stands out as having amongst the highest lung cancer death rates in Ontario.

The Hamilton Regional Cancer Centre recently alerted the Ministry of Health to our increasing difficulties in providing adequate services in this area. This is because of a rapidly rising incidence of cancers related to tobacco use (see figure).

II HISTORY OF THE HAMILTON LEGISLATION

Following discussions in 1987 and early 1988 regarding the desirability of legislating in this area, the Legislation Committee heard a number of delegations from the health community on April 26th, 1988.

A draft document was prepared by the City Solicitor's department and a public hearing to discuss the document was held on June 29th, 1988. Although supporting the principle of such legislation the health community expressed a number of concerns regarding the perceived weakness of the bill.

This bill, with some amendments received first and second readings by the Council on July 26th.

However the City lacked powers to proceed further and therefore applied to the Legislative Assembly on September 1st for an extension of its powers to enable it to legislate in this area (enabling legislation), traditionally under the Provincial Labour Ministry.

The City of Hamilton Act, a private bill, drafted by the City Solicitor's department with the assistance of the legislative council was introduced into the legislature on June 27th, 1988 by Ms Collins, MPP for Wentworth East, and went to Committee on July 5th. Essentially this Act empowered the City to pass by-laws to regulate smoking in the workplace, and set a few minimum standards. Again the health community expressed concern that the Act as worded was too lax. Members of the committee were sympathetic to these views but were of the opinion that these concerns were best dealt with at the local level and accordingly recommended that the bill be passed unamended. Consequently the bill received Royal Assent on July 13th, and became law.

The City now has the power to pass by-laws in this area. The original bill has lapsed for two reasons -

- (i) A new Council has been elected.
- (ii) The bill was technically outside the City's powers.

At the time the Regional Interagency Council on Smoking and Health (RICSH), acting as the coordinating body for the health community, prepared two alternative draft bills as discussion documents. These bills were endorsed by both local NDP and Liberal parliamentarians. Essentially the RICSH recommended that smoking be prohibited in the workplace (Bill 1), but as a second preference drafted a by-law which would allow a phase in period of one year, restricting smoking to designated smoking rooms in the meantime. It was also felt that any enclosed public place should also be

included, and a draft by-law to that effect had previously been sent to Council in July 1988. The RICSH is still of the above opinion.

Much has happened since this legislation was originally proposed, from the viewpoint of the scientific evidence, public opinion, legislation in other jurisdictions, and a decline in both the number of smokers and in tobacco sales. In the meantime the City Solicitor's department has drafted a new by-law and made some recommendations. While we naturally prefer our own versions (which are attached to this brief, we will offer a number of comments on this latest draft and the recommendations.

III RESPONSE TO CITY SOLICITOR'S RECOMMENDATIONS

2.(a) Public Sector Workplaces.

We consider the inclusion of the municipal workplace mandatory. To exclude this sector would be not only unprecedented, but would essentially make the law unenforceable by example. We stress that both the Provincial and Federal workplaces have been made completely smoke free.

(b) Workplaces that are private dwellings.

While these may be considered more difficult areas to enforce, the same principles apply. Workers should be protected whether they are working in some ones home or not. There is no precedent for their exclusion. The City of Hamilton Act merely specifies that should an inspector enter such a workplace, the inspector's jurisdiction is limited to that part of the dwelling in use as a workplace. We do not support this amendment.

(c) Industrial Mill Areas.

We are opposed to this amendment for the following reasons.

(i) To single out certain industries would essentially make the by-law unworkable. This would almost certainly create a precedence for many other applications for exemption, which would be difficult to refuse.

(ii) To single out certain occupations within a factory would also make the by-law unworkable by creating tensions within companies.

(iii) Exemptions as suggested would be illegal under the Smoking in the Workplace Act, which specifies that at most, an employer can only designate 25% of his area for smoking.

(iv) The very real risks of fire, the ingestion of industrial chemicals, and the co-carcinogenic effects of ETS as outlined under Health Risks, above, make this untenable.

(d) Eating Areas.

We consider this a crucial amendment. The acceptance of unenclosed smoking areas is contrary to the whole principle of containing environmental hazards. Where the practice of allowing smoking areas in eating areas has been tried in the past the result has been disastrous. Apart from the fact that when they are eating, is the last place someone would want to be exposed to tobacco smoke, the opportunities for the ingestion of carcinogens is effectively doubled, and since all the smokers in the building

would effectively congregate in the eating area, the atmosphere would rapidly become extremely dangerous.

(e) Implementation Date.

While the suggestion of a January 1st implementation date has much to support it, we would caution that to do so will require that this by-law be passed into law as quickly as possible, and that a very large educational effort would have to be made to ensure that all concerned have a complete grasp of all three laws that would come into effect on that day. Furthermore the development of a smoking policy is a consultative one and takes quite a bit of working out to be successful, especially if there has been no previous policy. A total prohibition would be much easier to implement in these circumstances. We suggest that the Committee take steps to prepare the public now.

IV RESPONSE TO DRAFT BYLAW

Preamble.

See RICSH draft. We particularly recommend that the word 'reduce' in paragraph 2 be struck out and the word 'eliminate' be inserted.

1. (h) "workplace"

Ref RICSH draft. We consider the definition to be far too restrictive. The definition should adhere more to that under the Occupational Health and Safety Act. Smoking is still hazardous in many semi- or unenclosed areas.

4. (1)

The words 'and designated smoking areas' should be struck out.

5. (1)

The words 'or smoking area' should be struck out.

(2) (a), (b)

These subsections should be deleted.

6.

The words 'and designated smoking aeas' should be struck out.

7. (1)

We assume that 1991 is a typographical error. The Federal Act which comes into force on the same day specifies 1990.

Other Considerations

(a) That employers be required to consult with Joint Occupational Health and Safety Committees or representatives, as under the Smoking in the Workplace Act before designating any rooms, otherwise the result will be chaotic, with consultation on some issues, but not on others. The by-law should incorporate the provisions of the Act.

(b) That consideration should be given to providing an expiry date for the designation of smoking rooms, as in the RICSH draft. (Bill No 2, 3.).

(c) That common law rights to a safe workplace be upheld (RICSH 6.(2)).

(d) That provision for complaints be made (RICSH 7.), and complaining employees be offered protection (RICSH 10.(2)) as in other municipal workplace by-laws. This provision will do much to

reduce any possible confrontations.

(e) That no designated smoking rooms be allowed in day care centres, nursery, school or other educational facility, or any health care facility (RICSH 9.(3)).

(f) That consideration be given to extending the provisions to enclosed public places.

(g) That it be stated explicitly, as in the Federal Act, that signs be erected at every entrance to the workplace, to inform the public that smoking is either prohibited or restricted to smoking rooms.

V REFERENCES

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17. Kozlowski LT, Wilkinson A, Skinner W, Kent C, et al. Comparing tobacco cigarette dependence with other drug dependencies: greater or equal 'difficulty quitting' and 'urges to use', but less 'pleasure' from cigarettes. JAMA 261:898-901, 1989.

HAZARDOUS SUBSTANCES IN ENVIRONMENTAL TOBACCO SMOKE
CURRENTLY REGULATED IN THE ONTARIO WORKPLACE

AS DESIGNATED SUBSTANCES

	<u>Reported</u>	<u>Limit</u>
Acetic acid		
Acetone		
Acetonitrile		
Acetylene		
Acrolein ^{1,2}	6-10	0.1 ppm
Acrylonitrile*		
Aniline		
4-aminobiphenyl (1,1'-Biphenyl-4-amine)* +		
Ammonia		
Arsenic*		
Benzene*		
Benzo[a]pyrene* + ¹	6-144	0 ng/m ³
1,3-Butadiene ¹		
2-Butanone		
Cadmium*		
Catechol (1,2-Dihydroxybenzene)		
Cresol		
Ethylbenzene		
Formic acid		
Formaldehyde* ¹	1.5-2.1	1 ppm
Furfuryl alcohol		
Hydrazine*		
Hydrogen cyanide		
Hydroquinone (1,4-Dihydroxybenzene) ²		
Methane		
Methyl chloride		
Naphthalene		
2-(Beta)-Naphthylamine* +		
Nickel*		
Nitrogen oxides, including -		
Nitric Oxide		
N-Nitrosamines, including -		
N-Nitrosodimethylamine* + ¹	0.02-0.7	0 ng/l
N-Nitrosodiethylamine* + ¹	0.02	0 ng/l
N-Nitrosoethymethylamine* +		
N-Methylnitrosamino-pyridylbutanone* +		
N-Nitrosopyrrolidine* +		
N-Nitrosoanatabine* +		
N-Nitrosodiethanolamine* +		
Octane		
Oxides of Carbon, including -		
Carbon monoxide and Carbon dioxide		
Phenol		
Propane		
Propylene (Propene)		
Pyridine ²		
Styrene ²		
Toluene (Methylbenzene)		
o-Toluidine and other isomers		
Vinyl Chloride*		
Xylene (Dimethylbenzene)		

KNOWN MUTAGENS IN ENVIRONMENTAL TOBACCO SMOKE
NOT CURRENTLY REGULATED IN THE ONTARIO WORKPLACE

=====

Acetamide
Benz[a]anthracene
Benzo[b]fluoranthene
Benzo[ghi]perylene
Dibenz[a,j]anthracene
Indeno[1,2,3-cd]pyrene
Phenanthrene

=====

Key: * Confirmed Human Carcinogens (this includes Whole Tobacco Smoke)

+ Known toxic agents to which any exposure should be avoided,
O Reg 654/86 Part 10 p.88.

1 Reported in concentrations exceeding Ontario regulations.

2 Known mutagen

=====

References:

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 - O Reg 654/86 as amended by O Reg 707/86 and
 - O Reg 339/87.
 - O Reg 733/84 as amended by O Reg 23/87(Acrylonitrile)
 - O Reg 176/86 as amended by O Reg 23/87(Arsenic)
 - O Reg 732/84 as amended by O Reg 23/87(Benzene)
 - O Reg 632/86 as amended by O Reg 23/87(Vinyl Chloride)
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Ontario Lung Cancer Mortality Rates

Census Tracts with Highest Mortality



Lung Cancer Cases Hamilton Region

No. Cases Registered



1964-1987

Year



The Ontario Cancer Treatment and Research Foundation
Hamilton Regional Cancer Centre

HENDERSON CLINIC

711 CONCESSION STREET, HAMILTON, ONTARIO L8V 1C3 • PHONE (416) 387-9495

August 11, 1989.

PROPOSED SMOKING IN THE WORKPLACE LEGISLATION
FOR THE CITY OF
HAMILTON

The enclosed document provides two draft by-laws as discussion papers. Bill 1, a total prohibition of smoking, represents the legislation which the medical and scientific community are requesting, in keeping with similar legislation in the public sector of employment.

Bill 2 which would allow a phase in period with smoking restricted to designated smoking rooms for 1 year, represents an acceptable compromise.

The provisions of these bills are in keeping with current federal public sector and municipal legislation in other jurisdictions, and the federal and provincial legislation due to come into force on January 1st, 1990:

Dr Michael D E Goodyear, BMedSc, MBBS, FRACP, FRCPC, FRACP,
Department of Medical Oncology, Regional Cancer Centre,
Assistant Professor, Department of Medicine,
McMaster University,
Spokesperson on Tobacco Affairs, Hamilton Academy of Medicine.

Bill No. 1

The Corporation of the City of Hamilton

BY-LAW NO. 89-

Respecting:

SMOKING IN THE WORKPLACE

WHEREAS it has been determined that environmental tobacco smoke (exhaled smoke, and smoke emanating from cigarettes, cigars and pipes while being smoked or idling) is irritating, discomforting, and a major health hazard to workers and inhabitants of the City of Hamilton, causing death and disease in healthy non-smokers, and being the main source of indoor air pollution, the most important source of exposure of humans to carcinogens and mutagens, and the main cause of loss of life, property, and injury from fire;

AND WHEREAS every worker has the right to a healthy and safe working place, and it is the duty of every employer to provide a working place where all employees may safely perform duties that are directly or indirectly related to their employment;

AND WHEREAS the City of Hamilton Act, 1989, which authorises the Council of The Corporation of the City of Hamilton to enact by-laws to regulate smoking in the workplace within the geographic boundaries of the city of Hamilton, received royal assent on the thirteenth day of July, 1989;

AND WHEREAS the Smoking in the Workplace Act, 1989, which prohibits smoking in the workplace except under prescribed conditions, authorises municipalities to pass by-laws more restrictive, but not less than the minimum standard prescribed in that act;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. In this By-law,

"Council" means the Council of the Corporation of the City of Hamilton;

"employee" includes a person who,

- (a) performs any work for or supplies any services to an employer, in any capacity including a managerial capacity, whether paid or unpaid, or**

- (b) receives any instructions or training in the activity, business, work, trade, occupation or profession of the employer;

"employer" includes any person, who as the owner, proprietor, manager, superintendent or overseer of any activity, business, work, trade, occupation or profession, has control over or direction of, or is directly or indirectly responsible for the employment of a person, and the activities therein, or contracts for the services of a person therein;

"smoking" includes carrying or having control over a lighted cigar, cigarette or pipe or any other lighted smoking equipment, and "smoke" has a meaning corresponding to the production of fumes or other volatile products from combustion in such devices:

"workplace" means any land, premises, location, area, place, vehicle, or thing at, upon, in or near which an employee works, and includes, but is not limited to, a shaft, tunnel, caisson, entrance way, reception area, lobby, corridor, hallway, stairway, elevator, lunch room, cafeteria, dining room, lounge, washroom or other common area frequented by such employees;

Prohibition

2. No person shall smoke in a workplace.
3. Where an owner is not an employer, the owner shall not interfere with the employer in the performance of any of the duties imposed on an employer under any of the provisions of this by-law.

Signs

4. Every employer shall erect and maintain signs in accordance with section 5 of this by-law, at every entrance to the workplace, indicating that smoking is prohibited throughout the workplace.

- 5.-(1) Every sign that prohibits smoking shall comply with the following requirements:

1. Carry the text "NO SMOKING" in upper case or lower case letters, or a combination of both.

2. Consist of two contrasting colours, or consist of lettering contrasting to the background colour where the lettering is applied directly to a surface or is mounted on a clear panel.

3. Consist of lettering not less than the height set out in column 2 of Table 1, for the corresponding maximum viewing distance in direct line of sight, in column 1.

TABLE 1

<u>Distance in Metres</u> <u>(Column 1)</u>	<u>Height in Centimetres</u> <u>(Column 2)</u>
3 or less	3
6	6
12	9
24	12
48	18
more than 48	24

4. Include in the text at the bottom of each sign, "City of Hamilton By-law No. 88- Maximum Fine \$2,000" in letters and figures not less than,

- (a) 1.5 cm in height for signs with letter size of 3cm, and
- (b) 1/4 of the height of the letters for all other sizes of signs having lettering greater than 3cm.

(2) For the purpose of subsection 1, "letter height" means the actual height of the letter whether or not the letter is in lower case or in upper case.

6.-(1) Notwithstanding section 5, a graphic symbol in accordance with subsection 4 of this section shall be used to indicate that smoking is prohibited.

(2) Every graphic symbol shall comply with the following requirements:

1. Include the text "City of Hamilton By-law No. 89- Maximum Fine \$2,000" in letters and figures occupying at least 5% of the diameter of the circle of such symbol.

2. Consist of a white background having,

- (a) a circle and interdictory stroke in red upon the background, and
- (b) a cigarette, letters and figures in black, in accordance with the provisions of this section.

3. Consist of one of the following symbols:

4. Consist of a symbol shown in paragraph 3, having a diameter not less than the diameter set out in column 2 of Table 2 for the corresponding maximum viewing distance in direct line of sight, in column 1.

TABLE 2

<u>Distance in Metres</u> <u>(Column 1)</u>	<u>Height in Centimetres</u> <u>(Column 2)</u>
3 or less	12
6	18
12	24
24	36
48	48
more than 48	72

(3) Notwithstanding subsection (2), every graphic symbol may contain a directional arrow.

(4) Notwithstanding that the content of a graphic symbol contains a cigarette, the prohibition shall include a cigar, pipe or any other lighted smoking equipment.

Offence and Penalty

7. Any employer who permits smoking in a workplace is guilty of an offence, and on conviction is liable to a fine not exceeding \$25,000.00, exclusive of costs, for each offence.

8.-(1) Any employer who refuses, fails or neglects to perform any of the duties imposed upon an employer under any of the provisions of this by-law is guilty of an offence, and on conviction is liable to a fine not exceeding \$25,000.00, exclusive of costs for each offence.

(2) Any owner who is not an employer and who interferes with an employer in the performance of any of the duties imposed upon an employer under any of the provisions of this by-law is guilty of an offence, and on conviction is liable to a fine not exceeding \$25,000, exclusive of costs, for each offence.

9. In addition to the provisions of sections 7 and 8, any person who smokes in contravention of any of the provisions of this by-law is guilty of an offence, and on conviction is liable to a fine not exceeding \$2,000.00, exclusive of costs, for each offence.

10. This by-law shall be enforced by the Licencing Division of the Clerk's Department for the Corporation of the City of Hamilton.

Amendment to By-law No. 80-258

11. By-law No. 80-258, as amended, respecting Smoking in Public Areas, is further amended by inserting after section 22 the following sections:

22A. None of the provisions of this By-law shall apply so as to permit smoking where smoking is prohibited in accordance with the Workplace Smoking By-Law No. 89- .

22B. Where under this By-law a proprietor is permitted to designate an area as a smoking area, the the area so designated as a smoking area shall not include any area where smoking is prohibited under the Workplace Smoking By-law No. 89- .

General

12. Any notice required by this by-law to be given by an employer shall be,

(1) posted and kept continuously displayed in a prominent place which is accessible to all employees in the workplace, and

(2) personally distributed to each employee in that employee's usual working area in the workplace.

13. In the event of conflict between the provisions of this by-law and Bylaw No. 80-258, as amended, or any other City of Hamilton by-law, the provisions of this by-law prevail to the extent of the conflict.
14. This by-law comes into effect on the first day of January, 1990.
15. This by-law is binding on the Council and the Corporation of the City of Hamilton.
16. This by-law may be cited as the "Workplace Smoking By-law".

Bill No. 2

The Corporation of the City of Hamilton

BY-LAW NO. 89-

Respecting:

SMOKING IN THE WORKPLACE

WHEREAS it has been determined that environmental tobacco smoke (exhaled smoke, and smoke emanating from cigarettes, cigars and pipes while being smoked or idling) is irritating, discomforting, and a major health hazard to workers and inhabitants of the City of Hamilton, causing death and disease in healthy non-smokers, and being the main source of indoor air pollution, the most important source of exposure of humans to carcinogens and mutagens, and the main cause of loss of life, property, and injury from fire;

AND WHEREAS every worker has the right to a healthy and safe working place, and it is the duty of every employer to provide a working place where all employees may safely perform duties that are directly or indirectly related to their employment;

AND WHEREAS the City of Hamilton Act, 1989, which authorises the Council of The Corporation of the City of Hamilton to enact by-laws to regulate smoking in the workplace within the geographic boundaries of the city of Hamilton, received royal assent on the thirteenth day of July, 1989;

AND WHEREAS the Smoking in the Workplace Act, 1989, which prohibits smoking in the workplace except under prescribed conditions, authorises municipalities to pass by-laws more restrictive, but not less than the minimum standard prescribed in that act;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. In this By-law,

"Council" means the Council of the Corporation of the City of Hamilton;

"employee" includes a person who,

- (a) performs any work for or supplies any services to an employer, in any capacity including a managerial capacity, whether paid or unpaid, or**

- (b) receives any instructions or training in the activity, business, work, trade, occupation or profession of the employer;

"employer" includes any person, who as the owner, proprietor, manager, superintendent or overseer of any activity, business, work, trade, occupation or profession, has control over or direction of, or is directly or indirectly responsible for the employment of a person, and the activities therein or contracts for the services of a person therein;

"smoking" includes carrying or having control over a lighted cigar, cigarette or pipe or any other lighted smoking equipment, and "smoke" has a meaning corresponding to the production of fumes or other volatile products from combustion in such devices;

"workplace" means any land, premises, location, area, place, vehicle, or thing at, upon, in or near which an employee works, and includes, but is not limited to, a shaft, tunnel, caisson, entrance way, reception area, lobby, corridor, hallway, stairway, elevator, lunch room, cafeteria, dining room, lounge, washroom or other common area frequented by such employees;

"designated smoking room" means any enclosed space independently ventilated to the exterior of the building and set aside for use by smokers and clearly identified as such by signs prescribed under this by-law, but does not include any areas normally occupied or used by nonsmokers. In no case shall the total space for designated smoking rooms exceed 25 per cent of the total enclosed area of the workplace;

"enclosed" means closed in by a roof or ceiling and four walls with an appropriate opening or openings for ingress or egress and is not intended to mean hallways, corridors or areas commonly described as public lobbies;

"smoking policy" means a written policy that attempts to accommodate the preferences of non-smokers and smokers in a workplace;

"joint health and safety committee" means a joint health and safety committee established under section 8 of the Occupational Health and Safety Act, R.S.O. 1980, a similar committee or arrangement, program or system in which employees participate;

"health and safety representative" means a health and safety representative selected under the Occupational Health and Safety Act, R.S.O. 1980;

"day care centre or nursery" means any day nursery as defined in the Day Nurseries Act, R.S.O. 1980 as amended;

"school" means any institution under the jurisdiction of the Hamilton Board of Education or under the jurisdiction of the Separate School Board or other similar educational institution or parochial school operated on a non-profit basis, or a private school or post-secondary institution, and includes school buses.

"health care facility" means a facility in which patients are or may be admitted for medical treatment or care and includes a hospital, nursing home or medical clinic.

Workplace Smoking Policy

2. No person shall smoke in a workplace.

3.-(1) Notwithstanding section 2, every employer in the City of Hamilton shall, before the 1st day of January 1990, adopt and implement a smoking policy in respect of each workplace under the control, supervision or ownership of the employer. Such policy shall be in effect until the 1st day of January 1991.

(2) Notwithstanding section 2, where a workplace is created or comes into existence after the 1st day of January 1990 and before the 1st day of January 1991, the employer responsible for such workplace shall, within 7 days after the workplace is created or comes into existence, adopt and implement a smoking policy in respect of each such workplace under the control, supervision or ownership of the employer. Such policy shall be in effect until the 1st day of January 1991.

4. Every employer required by this by-law to adopt and implement a smoking policy shall,

- (a) thereafter maintain that smoking policy in the workplace for which it was adopted,**
- (b) give written notice of the adoption of the smoking policy to each employee in the workplace within 7 days after the day upon which the smoking policy in respect to that workplace was adopted,**
- (c) erect and maintain signs, in accordance with section 12 of this by-law, throughout the workplace indicating that smoking is prohibited, or is only permitted in designated smoking rooms as prescribed in that smoking policy, and**

- (d) erect and maintain signs, in accordance with section 12 of this bylaw, at every entrance to the workplace indicating that smoking is prohibited, or is only permitted in designated smoking rooms prescribed in that smoking policy.

5. Where an employer's workplace smoking policy does not totally prohibit smoking in the workplace, the policy shall prohibit smoking in the workplace, except in designated smoking rooms.

6.-(1) Nothing in this by-law shall prevent an employer from establishing a policy, at any time, that totally prohibits smoking in the workplace and posting signs to that effect.

(2) Nothing in this by-law derogates from the rights of an employee to a smoke-free workplace.

7.-(1) Any nonsmoking employee may object to his or her employer about smoke in his or her workplace.

(2) The establishment of a smoking policy, or a satisfactory accommodation between the concerns and preferences of smokers and nonsmokers shall be the responsibility of the joint health and safety committee or the health and safety representative, if any, at the workplace. In the absence of such a committee or representative, a joint committee of management and employees shall be struck to develop such a policy or accommodation in consultation.

(3) No employer shall be required to make any expenditures or structural alterations to the workplace to achieve such a policy or accommodation.

(4) If an accommodation satisfactory to all nonsmoking employees in the workplace cannot be reached, the employer shall prohibit smoking in the workplace and shall erect signs in accordance with section 10 of the by-law throughout the workplace and at every entrance to the workplace indicating the prohibition.

8.-(1) Every designated smoking room shall be fully enclosed and separately ventilated to the exterior of the building.

(2) In no case shall a designated smoking room include a lunch room, cafeteria, dining room, kitchen, washroom, laboratory, or any areas normally occupied or used by non-smokers.

9.-(1) No person shall smoke in a workplace contrary to the smoking policy adopted for that workplace.

(2) No employer shall permit smoking in a workplace contrary to the smoking policy adopted for that workplace.

(3) Notwithstanding section 3, no person shall smoke in any area of a day care centre, nursery, elementary or secondary school, other educational institution, or health care facility.

10.-(1) Where an owner is not an employer, the owner shall not interfere with the employer in the performance of any of the duties imposed on an employer under any of the provisions of this by-law.

(2) No person shall dismiss, suspend, threaten, discipline, penalise, coerce, intimidate or attempt to coerce or intimidate another person because the other person has made a request under section 7.

Signs

11. Every employer shall erect and maintain signs in accordance with the workplace smoking policy and in accordance with section 12 of this by-law, at every entrance to the workplace, indicating that smoking is prohibited throughout the workplace, except in designated smoking rooms, and after the 1st day of January 1991, that smoking is prohibited throughout the workplace.

12.-(1) Every sign that prohibits smoking shall comply with the following requirements:

1. Carry the text "NO SMOKING" in upper case or lower case letters, or a combination of both.

2. Consist of two contrasting colours, or consist of lettering contrasting to the background colour where the lettering is applied directly to a surface or is mounted on a clear panel.

3. Consist of lettering not less than the height set out in column 2 of Table 1, for the corresponding maximum viewing distance in direct line of sight, in column 1.

TABLE 1

Distance in Metres (Column 1)	Height in Centimetres (Column 2)
3 or less	3
6	6
12	9
24	12
48	18
more than 48	24

4. Include in the text at the bottom of each sign, "City of Hamilton By-law No. 88- Maximum Fine \$2,000" in letters and figures not less than,

- (a) 1.5 cm in height for signs with letter size of 3cm, and
- (b) 1/4 of the height of the letters for all other sizes of signs having lettering greater than 3cm.

(2) For the purpose of subsection 1, "letter height" means the actual height of the letter whether or not the letter is in lower case or in upper case.

13.-(1) Notwithstanding section 12, a graphic symbol in accordance with subsection 4 of this section shall be used to indicate that smoking is prohibited.

(2) Every graphic symbol shall comply with the following requirements:

1. Include the text "City of Hamilton By-law No. 89- Maximum Fine \$2,000" in letters and figures occupying at least 5% of the diameter of the circle of such symbol.

2. Consist of a white background having,

- (a) a circle and interdictory stroke in red upon the background, and
- (b) a cigarette, letters and figures in black, in accordance with the provisions of this section.

3. Consist of one of the following symbols:

4. Consist of a symbol shown in paragraph 3, having a diameter not less than the diameter set out in column 2 of Table 2 for the corresponding maximum viewing distance in direct line of sight, in column 1.

TABLE 2

<u>Distance in Metres</u> <u>(Column 1)</u>	<u>Height in Centimetres</u> <u>(Column 2)</u>
3 or less	12
6	18
12	24
24	36
48	48
more than 48	72

(3) Notwithstanding subsection (2), every graphic symbol may contain a directional arrow.

(4) Notwithstanding that the content of a graphic symbol contains a cigarette, the prohibition shall include a cigar, pipe or any other lighted smoking equipment.

Offence and Penalty

14. Any employer who permits smoking in a workplace is guilty of an offence, and on conviction is liable to a fine not exceeding \$25,000.00, exclusive of costs, for each offence.

15.-(1) Any employer who refuses, fails or neglects to perform any of the duties imposed upon an employer under any of the provisions of this by-law is guilty of an offence, and on conviction is liable to a fine not exceeding \$25,000.00, exclusive of costs for each offence.

(2) Any owner who is not an employer and who interferes with an employer in the performance of any of the duties imposed upon an employer under any of the provisions of this by-law is guilty of an offence, and on conviction is liable to a fine not exceeding \$25,000, exclusive of costs, for each offence.

16. In addition to the provisions of sections 7 and 8, any person who smokes in contravention of any of the provisions of this by-law is guilty of an offence, and on conviction is liable to a fine not exceeding \$2,000.00, exclusive of costs, for each offence.
17. This by-law shall be enforced by the Licencing Division of the Clerk's Department for the Corporation of the City of Hamilton.

Amendment to By-law No. 80-258

18. By-law No. 80-258, as amended, respecting Smoking in Public Areas, is further amended by inserting after section 22 the following sections:

22A. None of the provisions of this By-law shall apply so as to permit smoking where smoking is prohibited in accordance with the Workplace Smoking By-Law No. 89- .

22B. Where under this By-law a proprietor is permitted to designate an area as a smoking area, the the area so designated as a smoking area shall not include any area where smoking is prohibited under the Workplace Smoking By-law No. 89- .

General

19. Any notice required by this by-law to be given by an employer shall be,
- (1) posted and kept continuously displayed in a prominent place which is accessible to all employees in the workplace, and
 - (2) personally distributed to each employee in that employee's usual working area in the workplace.
20. In the event of conflict between the provisions of this by-law and Bylaw No. 80-258, as amended, or any other City of Hamilton by-law, the provisions of this by-law prevail to the extent of the conflict.
21. This by-law comes into effect on the first day of January, 1990.
22. This by-law is binding on the Council and the Corporation of the City of Hamilton.
23. This by-law may be cited as the "Workplace Smoking By-law".

The Health Effects of Environmental Tobacco Smoke

An interview with
Joseph W. Cullen, Ph.D.,
Deputy Director,
Division of Cancer
Prevention and
Control, National
Cancer Institute

Q: We know that smoking is bad for smokers. But is the jury still out on the effects of tobacco smoke on nonsmokers who must breathe the same air as smokers?

A: No. There's a wealth of incriminating evidence regarding the health effects of environmental tobacco smoke, or ETS. ETS is convicted, without question, of being a threat to the health of nonsmokers. Inhaling ETS—also known as “involuntary” or “passive” smoking—may represent a greater cause of cancer for the U.S. population than all other known agents in our general environment. That conclusion is based on estimates by the National Academy of Sciences and the Environmental Protection Agency.

Q: What exactly is ETS?

A: Environmental tobacco smoke is the combination of smoke that comes from the burning cigarette, pipe, or cigar between puffs (sidestream smoke) and the smoke that is exhaled by the smoker. (Mainstream tobacco smoke is the smoke that is inhaled by the smoker.)

Q: Why is ETS harmful?

A: ETS contains substances that are toxic and cause cancer. About five dozen substances that initiate and/or promote cancer have been found in tobacco smoke, which is a complex mixture of gases and solid particles. In fact, some of these cancer-causing substances are found in greater concentration in sidestream than in mainstream smoke.

Nonsmokers who are exposed to tobacco smoke absorb nicotine, carbon monoxide, and other tobacco smoke constituents just as smokers do, but in smaller amounts. These substances, or their byproducts, can be found in nonsmokers' saliva, blood, and urine. The amounts depend on the extent and length of exposure and the quality of ventilation.

Q: Why has smoking at the workplace become such an issue?

A: It's largely due to a new awareness that nonsmokers can be harmed by the smoking of their coworkers. Allowing smoking in an indoor work area exposes employees to air contamination that far exceeds limits set by the Environmental Protection Agency for outdoor air quality.

The goal of worksite smoking policies in the past was usually not to reduce smoking, but to protect machinery and products, or as a fire safety measure. Now policies geared toward regulating smoking for the sake of workers' health are growing rapidly.

Q: Can ETS cause lung cancer in nonsmokers?

A: Yes. Both the 1986 Surgeon General's report on involuntary smoking and the report of the National Academy of Sciences concluded that exposure to ETS can cause lung cancer. Nonsmoking spouses have a nearly doubled risk of developing lung cancer if their spouses are heavy smokers.

Particles from ETS are small, so a sizeable proportion of ETS inhaled by the typical adult nonsmoker reaches the lungs and becomes deposited on lung surfaces. Particles of this size take much longer to be cleared from the lungs than larger-size smoke particles.

Q: Are there special smoking-related health concerns for workers exposed to hazardous occupational materials?

A: Yes, although the evidence relates to active cigarette smoking rather than to involuntary smoking. Smoking may increase both the amount of disease and the level of disability



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produced by hazardous occupational exposures. For example, asbestos workers who do not smoke have a fivefold risk of lung cancer over nonsmokers who are not exposed to asbestos, but those who work with asbestos and also smoke cigarettes have a fiftyfold risk.

The 1985 Surgeon General's report on smoking examined cancer and chronic lung disease in the workplace. It concluded that for the majority of American workers who smoke, cigarette smoking represents a greater cause of death and disability than their workplace environments. It also noted that controlling smoking and reducing exposure to hazardous agents can be effective, compatible, and even synergistic (benefiting each other) approaches to reducing disease for the individual worker.

Q: Are there other workplace health issues?

A: Yes. The health effects of ETS on young children and infants cannot be overlooked when examining the issue of workplace smoking. This is particularly true where day care, nurseries, and related programs and services are involved. Smokers who care for children, whether in institutions or in private homes, may pose a real health threat to the children. Studies show that children of smokers have increased respiratory symptoms such as coughs and wheezing, compared to children of nonsmokers. ETS exposure has also been found to double the risk of bronchitis and pneumonia and other respiratory tract illnesses in infants.

Q: What are the effects of ETS on nonsmokers with existing medical problems?

A: Tobacco smoke can worsen existing pulmonary symptoms for asthma and chronic bronchitis, and it can make life miserable for people with allergic conditions. Even individuals who are not

allergic can suffer eye irritation, sore throat, nausea, and hoarseness. Contact lens wearers can find ambient tobacco smoke particularly irritating.

Q: Why can't an employer solve the problem just by separating smokers from nonsmokers?

A: Another conclusion of the 1986 Surgeon General's report was that the simple separation of smokers and nonsmokers within the same air space may reduce, *but does not eliminate*, nonsmokers' exposure to tobacco smoke. ETS disperses rapidly in indoor air spaces, and many ventilation systems are unable to produce an acceptable level of air quality. Because there is no known threshold for the cancer-causing effect of tobacco smoke, the only way to guarantee the protection of nonsmokers from ETS is to establish separately ventilated smoking areas or to make the entire building smoke-free.

Q: Are employees who work in smoke-free environments healthier?

A: There is good reason to think so. Because worksite smoking policies are a relatively new phenomenon, there are no conclusive epidemiologic data to document the public health benefit of smoke-free worksites.

However, based on our knowledge of the effects of ETS on nonsmokers, it is reasonable to believe that workers in smoke-free settings are healthier in the long term. Studies eventually should prove this to be true.

For more information about tobacco use and advice on smoking cessation, call the Cancer Information Service at 1-800-4-CANCER (in Hawaii on Oahu call 524-1234; call collect from neighboring islands).

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**SMOKING
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Implementation of Smoking Policies

An interview with
Robert Rosner,
Executive Director,
Smoking Policy
Institute

Q: Is there a movement toward nonsmoking policies in the workplace?

A: Yes, and it becomes stronger every day. The success of policies restricting smoking at organizations as diverse as Pacific Northwest Bell, CIGNA Healthplan of Arizona, Ralston Purina, and the United States Indian Health Service has shown that policies can reduce the problems created by smoking in the workplace. The record shows that effective, equitable, and comprehensive policies will clear the air of smoke *and* employee complaints.

Q: Why are organizations restricting smoking in the workplace?

A: They have identified a variety of reasons for restricting smoking on the job. These include: concerns about exposing employees to a known health hazard; responding to employee requests, complaints, and suggestions; the threat of lawsuits from employees unfavorably affected by tobacco smoke; increased expenses created by employees' smoking on the job; the success of organizations that have restricted smoking; and local laws requiring nonsmoking policies. However, the prime issue for most companies is employee morale.

Q: But don't smoking restrictions create more problems for a company?

A: Companies actually document an improvement in employee morale following the implementation of a nonsmoking policy. In a survey, the employees of the City of Seattle were asked if employees should be left to work out smoking-related problems among themselves.

Sixty-eight percent of the employees said no and felt that it was the responsibility of the company to develop a comprehensive policy on smoking. Employees in many companies are tired of fighting over this issue and want sensible solutions.

Additionally, once the policy is in place, management no longer wastes its time and energy on the smoking issue: no fear of impending lawsuits; a reduced likelihood of company fires; cleaner air; and healthier employees.

Q: What kind of policy should companies implement?

A: Companies should consider all the policy alternatives and options so that they can develop policies based on their special needs. In some instances, a total ban is the most effective response to a corporation's circumstances; in others, properly ventilated designated areas are more appropriate solutions.

Q: Can't a company just ban smoking without making a big deal about it?

A: Although this may work for some companies, most organizations prefer a more sensitive approach to this issue. Surveys to document employee reactions, committees to develop policy recommendations, and employee-management meetings to discuss policy alternatives are just three options that have proven successful for organizations restricting smoking. Smoking policies, like any management decision affecting employees, require careful research and planning.

Q: What are the components of a successful policy?

A: There are five progressive steps that a company should take to assure itself a successful smoking control policy.

1. A corporation begins with *management review*, in which a presentation is made defining the issues and the decisions for which management is responsible. The management team then selects a program coordinator, a policy development team, and the work for which the team will be responsible.

2. The first task of the policy development team is to complete a *situation analysis*, or internal information gathering process. This includes surveys and/or reviews of employees, labor relations and contracts, facilities, extant personnel policies, and so on.



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3. Once the relevant facts are gathered, *strategic planning* begins, resulting in a written policy. The planning should include consideration of such important factors as policy enforcement, cessation assistance, smoking breaks, and in-house communications.

4. The fourth step of the process is actual *implementation*. The company announces the policy, maximizes employee communications, holds special events, puts cessation programs in place, makes any physical changes to the worksite that may be necessary, and begins monitoring the policy.

5. The final stage, *evaluation*, allows the company to measure the results of the policy and its implementation.

Although far from inclusive, this list conveys the variety of decisions that need to be addressed. It is important to emphasize that *halfway measures seldom work* and are frequently far more difficult than substantive policies, both in terms of enforcement and execution.

Q: With a total ban, couldn't there be a serious problem with employee withdrawal symptoms?

A: Absolutely. Nicotine is an extremely addictive drug. It is always recommended that a company provide a comprehensive cessation program to employees, sponsored either partially or totally by the company. There are, again, a number of viable options here, any of which can affect the policy's success.

A factor often overlooked is that *nonsmokers* need to be educated as well. It is important that they understand the tremendous adjustments smokers will be making, and to maintain an attitude of support, not disdain.

Q: Which is the best cessation program to offer?

A: Experience has shown that different approaches to cessation work for different people, so perhaps some form of program mix would increase the probability of long-term success. The options are numerous and include self-help materials, behavior modification groups, and physician-monitored programs.

Q: How does a company begin?

A: By educating itself. The company should get in touch with other organizations that have restricted or eliminated smoking. It should research the issues involved, such as the effect of environmental tobacco smoke on nonsmokers, local clean indoor air legislation, cost factors, and so forth.

Q: But essentially—act?

A: Yes. Increasingly, organizations are seeing involuntary smoking as a health and safety issue. Companies also recognize that they, as management, have the prerogative and responsibility to remove tobacco smoke at the worksite.

For more information about tobacco use and advice on smoking cessation, call the Cancer Information Service at 1-800-4-CANCER (in Hawaii on Oahu call 524-1234; call collect from neighboring islands).

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SMOKING
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Strategies for Selecting Smoking Cessation Programs

An interview with
Marc Manley, M.D.,
Smoking, Tobacco, and
Cancer Program,
National Cancer
Institute

Q: Is smoking addictive?

A: Yes. According to the 1987 Surgeon General's report on smoking, nicotine is as addicting as cocaine or heroin. Cigarette smokers and drug users both develop a strong dependency and, when quitting, experience withdrawal symptoms. For smokers, these commonly include difficulty concentrating, irritability, mild headaches, and occasional insomnia.

Q: How should cessation programs deal with the addiction process?

A: Smoking begins as a behavioral habit that develops quickly into physical dependency. Cessation programs must recognize both these aspects: the psychological and the chemical.

Q: What does this mean for the company wanting to help its employees kick their cigarette habits?

A: It means quite clearly that companies should take *seriously* the nicotine addiction problem and be ready to help smokers overcome it. "Let smokers fend for themselves" is not an adequate response on the part of management.

Q: What techniques will an effective cessation program use?

A: Programs consisting of several treatment components or approaches are proving to be the most successful. In general, these include the following:

1. **Self-Help Materials.** Books, audiotapes and videotapes, leaflets, correspondence courses, and other aids (e.g., filters) help smokers quit using strategies that most appeal to them. These materials also reinforce the counseling suggestions given to smokers in structured programs.
2. **Behavioral Interventions.** Smoking is a behavior that people have incorporated into their lives. Behavioral methods help smokers replace old habits and patterns with new ones, develop coping skills for dealing with temptations, and manage self control. These approaches frequently emphasize group work.
3. **Physician Monitoring.** Physicians can play a critical role in smoking cessation programs by counseling patients about smoking in addition to keeping in touch with them, continuing to issue advice, and following up on their progress.
4. **Pharmacological Aids.** Nicotine substitutes in the form of gum prescribed by a physician help the smoker to fight the physical addiction separately from the psychological one. Other substances are available by prescription or over the counter, but are of unproven value in combating chemical addiction. Importantly, nicotine gum has been shown to be effective only when used in conjunction with a stop-smoking program, under the care of a health professional.

Q: With so many smoking cessation programs on the market, how does one choose?

A: Individuals need to examine their smoking habits and select the program best suited to their specific needs. Similarly, corporate smoking cessation programs should account for the great diversity of a smoking population. To maximize cessation success in a corporate situation, it is recommended that the medical staff guide employees to programs that offer a variety of strategies and provide training and followup.

Q: How much financial responsibility should the company take for its cessation program?

A: Healthy employees can save the company money in the long run. Offering the program



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on company premises and on company time at a discount or free are demonstrations of management's concern for its employees. These choices also ensure maximum participation in the program and create a valuable support network among employees.

Q: Is it better to develop a company smoking cessation program internally or to hire professionals?

A: The company's decision depends on a variety of factors such as corporate resources, staff expertise, and the number of smoking employees. The company can *provide a list of community cessation programs* that are approved by the employer or *company-run programs* through which on-site programs may be led by company staff or company-trained volunteers. Another choice is to hire *smoking cessation vendors* that provide either on- or off-site programs. These vendors may be either nonprofit or commercial, local or national organizations. Participation in cessation programs will be improved if they are offered at the worksite and at times that are convenient for employees.

Q: What are the key variables in program selection?

A: Once a company establishes the criteria for a program (e.g., on-site, on company time, available to employees and spouses), it can determine which program responds to these needs. Perhaps the most critical consideration is a *reference check* on the program: Is the group reputable? With what parent organization is it affiliated? How long has it been in the cessation business? What do its past clients (satisfied and dissatisfied) say about the program? For companies that are able to do an extensive analysis of their options, some questions to consider are:

Training: Do the cessation program leaders receive adequate, standardized, and ongoing training? How long is the training? Does the staff include former smokers?

Content: What is the research base of the program? What education materials does it offer its participants? What is its mode of treatment? How long does the program last? Is the program flexible? Does it offer a variety of strategies?

Program Results: What is the program's quit

rate? How was this rate determined? What is its definition of success?

Guarantees: Can an employee repeat the program at reduced cost or no charge? —

Location: Can programs be offered on-site, off-site, or both?

Time: Can programs be offered at required times?

Discounts: Are group rates available?

Replication: Can the program be repeated in *all* the company's facilities?

Promotion Assistance: Will the organization help promote its program within the company?

Q: Some cessation programs promise such phenomenal results. How can one honestly compare relative success rates?

A: Because smoking cessation programs are evaluated in so many different ways, with the lack of a standard by which all programs are judged, comparison of results can be a difficult process. Different "success" rates can be due, for example, to the design of the evaluation: Does it measure all people who sign up for the program, all who attend a first session, all who complete the program, or only those who respond to the evaluation survey? Generally, the further along evaluation begins, the higher the reported success rate will appear. Here are two practical steps that companies can take when weighing program options:

First, realize that the range of typical quit rates is 20 to 40 percent at 1 year followup. Be wary of vendors claiming quit rates that far exceed this range.

Second, check vendors' references and ask for referrals from other companies that have had successful cessation programs. Referrals also can come from local voluntaries, other organizations like the Seventh Day Adventist Church, and the National Cancer Institute's Cancer Information Service (1-800-4-CANCER).

For more information about tobacco and advice on smoking cessation, call the Cancer Information Service at 1-800-4-CANCER (in Hawaii on Oahu call 524-1234; call collect from neighboring islands).

Costs and Benefits of Smoking Restrictions in the Workplace

An interview with
William Weis, Ph.D.,
CPA, Albers School of
Business, Seattle
University

Q: Is it possible to save money by restricting smoking in the workplace?

A: Yes, but obtaining data on cost savings associated with workplace smoking control restrictions is difficult. Most economic studies examine the excess costs borne by companies as a result of having smokers on their payrolls. Estimates of the excess annual cost per smoking employee vary by an order of magnitude, but even conservative estimates are substantial: \$1,000 per smoker per year.

Q: Are employers motivated primarily by costs in implementing policies?

A: No. Employer surveys show that most workplace policies are implemented largely for reasons unrelated to cost: to protect the health of employees and ensure a safe working environment; as a reaction to nonsmoking employees' demands for a smoke-free working environment; or fear of possible legal liability for illnesses caused by exposure to environmental tobacco smoke in the workplace. Workplace smoking restrictions are an emerging trend of the 1980's, and are becoming more widespread because of the knowledge that the health of nonsmokers is endangered by the smoke of others. Because restrictions are a relatively new phenomenon, they have not been fully evaluated.

Q: Are health care costs a factor in this trend toward smoke-free workplaces?

A: Definitely. The Surgeon General has identified active smoking as the Nation's single most important preventable cause of disease and preventable death. About \$16 billion is spent each year on smoking-related medical costs—and businesses pay about 80 percent of all health insurance premiums. Many employers are convinced that smoke-free workplaces provide extra incentives for employees to stop smoking altogether, and that having more and more nonsmokers in their work force eventually will translate into reduced health care costs for the company.

Recognizing that employees of smoke-free companies overall may be healthier year-round, many insurers are inclined to give those companies a break on premiums. Some fire and casualty companies, for example, will cut their premiums by 50 percent. New York Life reduces its annual premiums on commercial disability policies by \$150 per nonsmoking employee. And Blue Cross-Blue Shield of Minnesota gives a 22 percent discount on premiums for insured nonsmokers.

Q: What are other economic motivations for employers to implement workplace smoking policies?

A: Smoking policies of past decades focused on preventing fires or explosions around flammable materials, and protecting machinery and products rather than protecting employee health. Similarly, employers with office smoking policies today realize cost savings because computer equipment, furniture, carpets, and other furnishings last longer in a smoke-free environment with less maintenance.

Q: Obviously, the rewards of implementing a policy can be great—but at what cost to the employer?

A: Implementation costs depend on the characteristics of the company. Variables include the size and layout of the physical plant, the number of employees, and the type of policy desired. Support for employee cessation programs, hiring a policy consultant, and public relations and education costs are all real expenses to management. However, cost savings to employers from reduced ventilation system energy demands and other factors may counterbalance these expenses.



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Q: What is the effect of smoking restrictions on labor productivity?

A: Some people argue that workplace policies can lower productivity because of excessive employee smoking breaks. However, to the extent that these policies tend to aid many employees in successfully quitting, it is likely that labor productivity increases through reductions in absenteeism and turnover and through increased productivity of these workers. That's because smokers are absent from work 50 percent more often than nonsmokers, have twice as many on-the-job accidents, and are 50 percent more likely to be hospitalized than workers who do not smoke. Furthermore, nonsmokers formerly bothered by coworkers' smoke may also be happier, healthier, and more productive.

Q: Does a nonsmoking environment appeal to most employees?

A: Without question. The 1986 Adult Use of Tobacco Survey, conducted by the

Government's Office on Smoking and Health, found that a majority of both smokers and nonsmokers regard environmental tobacco smoke as a health hazard. In addition, a vast majority of nonsmokers and almost half of current smokers report that they are annoyed by the cigarette smoke of others. Therefore, many employees prefer not to be exposed to the smoke of others and likely would view a nonsmoking environment as a job benefit.

The company profits from improvements in employee job satisfaction, the ability to recruit healthy, highly motivated employees, and a general polishing of "corporate image."

For more information about tobacco use and advice on smoking cessation, call the Cancer Information Service at 1-800-4-CANCER (in Hawaii on Oahu call 524-1234; call collect from neighboring islands).

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**SMOKING
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Smoking in the Workplace: Ventilation

An interview with
James L. Repace,
Physicist, Indoor Air
Program, U.S.
Environmental
Protection Agency

Q: Where does one begin in efforts to maintain clean indoor air?

A: The best and most effective way to maintain indoor air quality is by controlling the source of the pollutant. In the case of environmental tobacco smoke, this means restricting smoking to separately ventilated spaces, or banning smoking indoors, a less costly alternative.

Q: How would you rate smoking as a pollutant source in indoor environments?

A: It is a major source of indoor air pollution. Smoking produces about 4,000 chemicals in the particle phase and about 500 chemicals in the gas phase. The tar particles contain most of the cancerous substances in tobacco smoke. The gases contain most of the irritating substances.

In particular, cigarettes, pipes, and cigars produce tremendous clouds of respirable tar particles when they are smoked. These tar particle clouds easily predominate over background levels of particulate air pollution in buildings. When these particles are inhaled and deposited in the nonsmoker's lungs, they may remain for months.

Q: Don't the ventilation standards proposed by ASHRAE (the American Society of Heating, Refrigerating, and Air Conditioning Engineers) control tobacco smoke in buildings?

A: No. The ASHRAE ventilation standards are not health-based standards designed to limit cancer risk or eye irritation to acceptable levels. They are designed only to limit dissatisfaction with tobacco smoke *odor* to a maximum of 20 percent for visitors (mixed smokers and nonsmokers) to a building where smoking occurs. Currently ASHRAE recommends 20 cubic feet of outdoor ventilation air per occupant (CFM/occ) for this purpose.

Q: Will an increase in building ventilation eliminate indoor air quality problems due to smoking?

A: No. Providing a level of ventilation that would produce only 20 percent dissatisfaction in a group of *nonsmokers* requires in excess of 100 CFM/occ—substantially beyond the maximum capacity (60 CFM/occ) of typical mechanical ventilation systems at typical design occupancy. Further, ventilating a building to reduce cancer risk to a level that would meet one proposed standard would create a virtual windstorm indoors, requiring 5,400 CFM/occ.

Q: If a special smoking area is established in a building, what ventilation issues are raised?

A: Establishing a physically distinct smoking area within a building is a workable, although often expensive, source control option *provided* it is ventilated independently from the rest of the building. This area should be under negative pressure relative to the nonsmoking areas of the building and should be ventilated at the maximum capacity of the ventilation system. Special smoking areas in existing buildings may require structural or mechanical system modification. In new buildings they may be designed and installed at less cost.

Q: When one is unable to eliminate the source or separately ventilate the workspace, how successful are other approaches to handling cigarette smoke? Will the use of an air cleaning device or desktop smokeless ashtrays effectively reduce the problem?

A: No. First, to be at all effective in reducing the concentration of smoke in a space, any air cleaner must process many room air volumes per hour. This requirement rules out desktop devices. Second, even large, expensive air cleaners with high efficiencies for



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captured particles are capable of reducing, but not eliminating the environmental tobacco smoke tar particles in room air, and are not at all effective for gases, which contain most of the irritants. Third, even expensive particulate air cleaners cannot remove enough tar particles in room air to eliminate the cancer risk from environmental tobacco smoke. In general, filtration of indoor air to remove environmental tobacco smoke contaminants is futile—like trying to filter a lake to control water pollution.

Q: What about the separation of smokers from nonsmokers who share the same space?

A: Simply separating smokers from

nonsmokers within a room cannot keep tobacco smoke from diffusing throughout the space and is effective only in reducing peak, not average, smoke concentrations. This action obviously is better than nothing for short-term exposures in restaurants and airplanes. But for effective control of exposure to environmental tobacco smoke in the workplace, the only viable approach is *source control*: restricting smoking to separately ventilated smoking areas or banning smoking entirely.

For more information about tobacco use and advice on smoking cessation, call the Cancer Information Service at 1-800-4-CANCER (in Hawaii on Oahu call 524-1234; call collect from neighboring islands).

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Smoking in the Workplace: Legal Issues

An interview with
Timothy Lowenberg,
J.D., Adjunct Professor
of Law, University of
Puget Sound School of
Law*

Q: Employers justify inaction on the smoking issue by claiming an obligation to protect the rights of smokers. Does such an obligation exist?

A: This fence-straddling policy is a fallacious one because it rests upon a fundamentally unsound premise: that smokers have a legal right to smoke in the workplace. Even Lawrence Ash, attorney for the Tobacco Institute, is quoted in the September 1986 issue of *Fortune* as stating that "Smokers would be hard pressed to find a legal theory that gives them the right to smoke."

Q: On what grounds can you make the assertion that smokers have no rights?

A: Smokers *do* have rights—exactly the same rights as nonsmokers. By common law, these include the right to a safe and healthful place of work. There is nothing in our common law system which indicates there is any more a right to smoke than there is a right to sing at the top of one's voice or any other activity that is not necessary to the performance of essential elements of an assigned job.

Q: Has this assertion been backed by the courts or legislation?

A: Since the 1972 Surgeon General's report warned that cigarette smoking was dangerous to nonsmokers, both court rulings and state, county, and city statutes and regulations have provided various rewards or protections to the involuntary smoker. More than 40 states and the District of Columbia have enacted some form of legislation to restrict smoking in public. Many states have gone even further to legislate smoking in certain workplaces. Among those states are Alaska, California, Colorado, Connecticut, Minnesota, Montana, Nebraska, New Jersey, New York, Oregon, and Utah.

Moreover, there is a rapidly developing body of law resulting in the award of disability benefits, unemployment compensation benefits, injunctive relief and other judicial remedies on discrimination and handicapped theories to workers who suffer from exposure to smoke in the workplace.

Additionally, a recent decision in Washington State (*McCarthy v. Division of Social and Health Services*, June 30, 1988) may have set an important precedent for *negligence* cases and damage awards against employers who do not protect the health and safety of their employees by providing smoke-free environments. This would allow employees to sue their employers for damages directly rather than circuitously through unemployment compensation or disability relief.

Q: Does this mean that it is *illegal* to smoke at the workplace?

A: Nothing is that simple. Although there is a definite trend in favor of the nonsmoker, not every plaintiff will win his or her suit. On the other hand, no smoker has won an absolute or secured right to smoke in the workplace.

Q: What about hiring practices and personnel policies? For instance, is it legal to make a workplace smoke free? Or to refuse to hire smokers? Or to reward nonsmokers with benefits or bonuses? Isn't this discrimination?

A: All is perfectly legal. Smoking, it must be remembered, is an *acquired* characteristic. Employers legally discriminate every day based on acquired characteristics such as job record, education, performance, absenteeism, etc. Just because smoking is legal doesn't make it a right. Many legal activities (spitting, playing loud music, etc.) are forbidden on the job.

Hiring bans, however, usually are not to be recommended. It is difficult to enforce employee behavior out of the workplace. Such an inability to control employees' activities has the potential to erode the strength of the policy at the work site.



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Q: Don't unions have a voice in such important policy decisions?

A: Where a labor organization has recognition rights under the National Labor Relations Act, the smoking policy of the company is, in our judgment, a mandatory subject of bargaining, and the employer would commit an unfair labor practice if it were to implement a smoking policy without first negotiating the subject with the union.

Having said that, however, we must also hasten to add that either party is free to insist upon adoption of its proposal on the subject to the point of impasse; and, after a *bona fide* impasse, the employer is free to establish the policy unilaterally so long as it is consistent with the pre-impasse proposals.

Q: Apparently then, contrary to popular belief, legal liability may result from inaction, not action, on the part of the employer?

A: This appears to be the case. However, it is important to warn anyone who wishes to take action in a workplace that each situation can vary. It is essential that companies consult their own attorneys for advice before taking any legal actions.

Selected Case Law

Civil Court Injunction

Shimp v. New Jersey Bell, 145 N.J. Super. 516, 368 A.2d 408 (App. Div. 1976)—This was the first case (1976) to use the premise of common law to deal with tobacco smoke. Mrs. Shimp won a permanent injunction in the NJ Superior Court requiring the telephone company to restrict smoking in all work areas and confine smoking to a designated lounge. There was no appeal, and the case has since been the basis of all legal decisions favoring nonsmoking workers.

Disability

Parodi v. Merit Systems Protection Board, 690 F.2d 731 (9th Cir. 1982)—Filed in 1980,

this case was finally decided in 1982 in California when Ms. Parodi was granted disability retirement unless the government offered her a "suitable job" within 60 days. The reason for the decision in her favor was that she could not "perform her job due to its location in a smoke-filled office." The Defense Logistics Agency had consistently refused to relocate her, restrict smoking, or grant her disability retirement.

Federal Rehabilitation Act

Vickers v. Veterans Administration, 549 F.Supp.85 (W.D. Wash. No. C81-85V)—In this August 1982 case in Seattle, a nonsmoking employee who had an adverse reaction to tobacco was granted handicapped status, and the employer was seen as having made reasonable accommodation by significantly reducing the amount of exposure (relocating his desk, asking smokers nearby to refrain, opening windows, etc.). This case is an example of the use of the Rehabilitation Act of 1973 to protect nonsmoking employees.

Workers' Compensation

Brooks v. TWA & Liberty Mutual Ins., 76 SF 257-975 Cal. WC Appeals Board—In 1976, Harriet Brooks, flight attendant, was awarded workers' compensation because she "sustained an industrial injury" caused by an allergic reaction to the in-flight cabin air containing tobacco smoke.

For information about tobacco use and advice on smoking cessation, call the Cancer Information Service at 1-800-4-CANCER (in Hawaii on Oahu call 524-1234; call collect from neighboring islands).

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This Q&A sheet was produced by the National Cancer Institute in cooperation with the Smoking Policy Institute (P.O. Box 20271, Seattle, WA 98102, phone 206-324-4444).

**SMOKING
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Smoking Policies and the Unions

The story of Pacific Northwest Bell (U.S. West Communications) and the evolution of its smoking policy is a significant one, not only because of the size of the company or the extent of its policy,* but also because of the very comfortable and productive relationship it had with the Communications Workers of America (CWA), its largest union, comprising almost two-thirds of its 15,000 employees.

Thanks to the vision and leadership of Sue Pisha, CWA was urged to take a neutral stance in the smoking policy decision.

An interview with Sue Pisha, Area Director, Northwest Region (Alaska, Idaho, Oregon, Washington), Communications Workers of America, AFL-CIO

Q: What advice did you give to union membership prior to its decisive vote in early 1985, and why?

A: I took over as Area Director in March 1985. The following month, I sent a memo to presidents of all the locals which described the situation as "no win" in terms of settling smokers' rights disputes within the union. And I indicated that we *could* become defendants in litigation should we insist on defending smokers' rights. Contractually, you see, we had no right to smoke.

Q: Did the union then effect any influence on the policy implemented, or was it silenced by its vote of neutrality?

A: It was certainly not silenced. Following the union meeting, I was invited to sit in on Andy Smith's (president, Pacific Northwest Bell) board meeting at which I was able to express some serious union concerns.

First, because it was a company policy, this meant offenders were subject to discipline which the company had the ability to determine and enact. I stressed that the company be extremely fair-handed in terms of discipline and that it not *overreact*.

Q: Could you give an example?

A: The banning of smoking in vehicles was very problematic. For example, what happens if cigarette butts are found in a cab ashtray? How is discipline meted out? We settled that if two people are in a vehicle and one is a nonsmoker, the rights of the nonsmoker prevail.

Q: Having been involved with the development and implementation of Pacific Northwest Bell's policy, why do you think it works?

A: I think success, in terms of the union, comes from the fact that the union was involved from the onset. A joint approach was used, not a unilateral one. Also, I think it is important that the impetus came from the workers. It was a groundswell of support from the workers.

Q: Often a stereotype arises of the union as an enemy of the smoking policy, as one of the biggest hurdles management has to face. How true is this picture?

A: That is a difficult question to answer. Even my own union is hesitant to talk about an entirely smoke-free policy. The union's research department has been involved in the issues. It comes out recommending designated smoking areas, but holds back on going totally smoke-free. Other unions might have no problem. A lot depends on the union. *More* depends on how it is approached.

Q: What advice would you offer employers?

A: You must be up front and communicate with your workers. See if they will accept the idea and participate. Emphasize that it is a no-win situation for everyone. There are people on both sides with valid issues. Smokers must be made to understand that, because of the



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very real allergic and violent reactions caused by tobacco smoke, management has to be concerned with smoke-free environments.

Q: Do you think there is a trend in the unions toward becoming smoke-free?

A: It seems to be happening. As I watch meetings, I see smoking and nonsmoking areas designated. The smokers seem amenable. At our last meeting here in Seattle, smokers were asked to move to the rear of the room or into the hall, and they did! It hasn't always been like that. Two or three locals actually prohibit smoking at membership meetings.

Also, the more we learn about sidestream smoke, the easier it is to take a position.

Q: What is the likelihood of the union's becoming a proactive force for nonsmoking policies?

A: The chances would be quite good if nonsmokers would organize themselves. By distributing information and educating members, it should be easy to make meetings smoke-free and move from there.

It is important to remember, too, that the information has to turn people around by motivating them. You can't just tell people what to do and expect success.

Q: What is happening, to your knowledge, in labor arbitration?

A: Arbitration decisions come down on both sides of the issue. Basically, employers must provide smoke-free areas for people who have problems with tobacco smoke, allergies, and so forth. But, at the same time, the employer is often seen as having no responsibility to provide a *totally* smoke-free environment.

Q: What do you consider the benefit of a nonsmoking policy to union membership?

A: The issue is removed. Employees are no longer polarized. Policies seem to eliminate in-fighting. Without a policy, the issue is messy and polarizing.

And, of course, the obvious benefit is good health. There is every reason for management to consider nonsmoking policies for the sake of their employees' health. Nonsmokers definitely have the right to be heard.

For information about tobacco use and advice on smoking cessation, call the Cancer Information Service at 1-800-4-CANCER (in Hawaii on Oahu call 524-1234; call collect from neighboring islands).

***POLICY:** "To protect the health of Pacific Northwest Bell employees, there will be no smoking in any company facility."

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**SMOKING
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Smoking Policies in Health Care Institutions

An interview with
Robert Rosner,
Executive Director,
Smoking Policy
Institute

Q: Does smoking create special problems for hospitals and health care institutions?

A: Yes, hospitals have a number of characteristics that set them apart from other institutions. For one, hospitals house sick people who often are particularly smoke-sensitive. Second, smoking in bed becomes particularly dangerous when people are either sick or sedated. Fire is a special concern in the hospital environment, where potentially dangerous amounts of flammable liquids and gases are stored and used. Studies indicate that over 60 percent of hospital fires are caused by smoking. And, finally, hospitals are finding that smoking has become a public relations issue, as the number of nonsmokers increases. Many people perceive the allowance of smoking in hospitals as incompatible with the institutions' health care mandate.

Q: What is the history of smoking control policies in hospitals?

A: Smoking restrictions in hospitals historically have involved segregating smokers or prohibiting the sale of cigarettes. Slow hospital responses, like corporate responses, have been based on a variety of fears: potential lawsuits by employees, staff resignations, union disputes, compromising the "personal rights" of smokers, and so forth.

However, based on experiences of health care institutions that have implemented strong and comprehensive smoking control policies, these fears are proving to be unfounded. A 1988 study reports that nine out of ten American hospitals now have policies that restrict smoking. Eight percent have banned smoking on the premises entirely—by employees, physicians, patients, and visitors—and that number is growing.

Q: How should a hospital determine its smoking control policy?

A: Although hospitals share many of the same problems, each will find different solutions to the smoking control issue. A great deal is determined by the physical layout, condition and location of the hospital, size of staff, number of smoking employees, and other factors. Possibilities range from separating smokers and nonsmokers to limiting smoking in enclosed, separately ventilated rooms to total bans.

A policy that totally eliminates smoking tends to be the easiest and least expensive to implement and enforce and the most beneficial to the greatest number of people. However, it is not always possible or acceptable. The alternatives should be studied carefully, keeping in mind the ultimate goal: the protection of patients, employees, visitors, and medical staff from environmental tobacco smoke.

The hospital should consider a variety of actions related to the policy: eliminating tobacco sales on the premises; posting visible, readable signs announcing the policy to all visitors; announcing the policy during admissions procedures; providing cessation support for staff, patients, and their families; and creating protected outdoor areas away from entries.

Q: Why aren't designated smoking areas for smokers an adequate solution?

A: Designated smoking areas within hospitals have existed for some time. However, as standards for indoor air quality have risen and information about environmental tobacco smoke has increased, upgrades of ventilation systems have not always followed or been possible. Often, in reviewing mitigation alternatives, administrators find ventilation upgrades to be cost prohibitive.

Q: How can hospital administrators enlist the support of nurses and other staff?

A: By emphasizing patient advocacy and the need for smoke-free, healthy facilities, administrators can create a high degree of policy acceptance and support among staff.



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Q: Isn't there a risk of mass resignations by smoking employees?

A: To the contrary, a common reaction by many smoking employees has been to welcome the restrictions as an incentive to quit smoking. Overall, 70 percent of the population doesn't smoke. Of those who do smoke, 90 percent want to stop. This leaves a small percentage of employees who will even consider walking out on the job because of a smoking control policy.

Q: What about enforcement?

A: Experience shows that strong smoking policies tend to be self-enforcing. This is particularly true when a facility is totally smoke-free. Enforcement has not been cited as a problem by hospitals that have implemented comprehensive smoking control policies.

However, policy and enforcement procedures should be made explicit from the outset. *Patients* should be informed about the policy when they are admitted to the facility. *Visitors* should be made aware of the policy (by strategically placed signs) before entering the building. *Employees* should know that nonsmoking in hospital facilities is a condition of employment and, following progressive disciplinary action, is cause for dismissal.

Q: Won't enforcement with nervous and upset visitors be impossible?

A: Nonsmoking policies are successfully enforced in hospitals nationwide—even in emergency rooms. A simple yet sensitive reminder of the need for a safe environment will almost always be sufficient, should a problem arise.

To minimize such situations, the hospital should mark all entrances with signs and make pamphlets that describe the policy available throughout the facility. Health and safety should be the focus of every communication.

Q: Aren't smoking controls in health care facilities a controversial issue, one that might affect admissions?

A: If it were going to be controversial, it certainly would have been so at the Lexington (Kentucky) Clinic, which was — greatly concerned about reactions from the tobacco farmers it serves. Since its smoking ban was implemented, the clinic has received only two negative responses.

Q: How does the public feel about the trend toward smoking control policies in health care facilities?

A: Studies show overwhelming support. From a public relations aspect, a hospital's dedication to the prevention of disease—as well as its treatment—is a strong selling point. Moreover, the public expects hospitals to maintain top standards of health and safety; thus, a clean, healthy, smoke-free environment is far more likely to attract clients than repel them.

Q: How have employees reacted in hospitals that have implemented policies?

A: Reaction has been uniformly positive. At Group Health Cooperative in Seattle, which implemented strong controls in all facilities, a follow-up survey found that 85 percent of employees approved of the policy; nurse approval rose from 75 percent at first to 86 percent; and even approval by smokers rose 11 percent.

At New England Deaconess Hospital in Boston, a survey 20 months after implementation showed that 93 percent of nonsmokers and 83 percent of smokers approved of the policy. Twenty-six percent of its smoking employees had stopped smoking and 33 percent had cut down since the policy was implemented.

At CIGNA Healthcare of Arizona, hesitant employees were quick to support the policy, and CIGNA received significant community, state, and national support.

For information about tobacco use and advice on smoking cessation, call the Cancer Information Service at 1-800-4-CANCER (in Hawaii on Oahu call 524-1234; call collect from neighboring islands).

Smoking and the Female Work Force

An interview with
Margaret Mattson,
Ph.D., Smoking,
Tobacco, and Cancer
Program,
National Cancer
Institute

Q: What makes smoking different for women than for men?

A: Not only do women suffer the same smoking-related health problems that men do, but smoking also represents an additional health threat to women from an increased risk of cervical cancer, reproductive and pregnancy complications, early menopause, and an increased risk of coronary heart disease if they smoke and use oral contraceptives. Some evidence also suggests that women may have a harder time quitting than men, and recent data indicate that the message to avoid smoking has been less successful in reaching young women than young men. These factors will make smoking a unique problem for women in the next several decades.

Q: Don't men smokers outnumber women smokers in the United States?

A: It is true that there is a larger percentage of male smokers (32 percent) than female (27 percent), but the gap in male-female smoking prevalence has narrowed dramatically over the past 25 years. While the percentage of male smokers has dropped by nearly 40 percent from its peak, the percentage of female smokers has dropped only 18 percent since its peak in 1966. And, in some age groups (late teens and early 20s), the percentage of female smokers exceeds that of male smokers. The Centers for Disease Control estimates (if current trends continue) that by the mid 1990s there will be more women than men who smoke, both proportionately and in actual numbers of smokers. This trend now appears to be mostly the result of greater smoking initiation rates among women rather than lower quitting rates as compared to men.

Q: What makes women take up smoking?

A: Many factors appear to influence why women start and stop smoking. Among teenagers, 75 percent of all first cigarettes are smoked with another teen, usually of the same sex. Girls report that peer pressure, aspirations to emulate the liberated and glamorous advertising images of female smokers, access to a perceived method of weight control, or the presence of a smoking parent or sibling all influence that initial cigarette.

Maintenance of the smoking habit is often blamed on advertising claims, hunger suppression, relief of depression, as a means to cope with stress, and for the simple pleasure of smoking.

Q: Doesn't smoking help women keep their weight down?

A: Although many women report that they believe smoking helps keep their weight down, there is no consistent medical evidence to substantiate the benefit of smoking as a weight control measure.

It is true that most people who quit smoking gain some weight because of changes in their metabolism and eating behaviors, but average weight gains are small. Too many quitters, especially women, panic when they begin to gain weight and don't give their bodies and eating habits time to adjust.

Many cessation programs specifically address weight control as part of the cessation process. This factor should be considered when selecting a workplace cessation program.

Q: What about the relief of stress?

A: It is also true that women more often than men cite smoking as a way to cope with stress, including stress that many working wives and mothers experience due to their multiple-role strains. However, methods of coping with stress other than cigarette smoking can be learned, such as exercise, and stress management is frequently incorporated into smoking cessation programs.



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Q: How great a health problem is smoking for women?

A: Smoking is the number one health risk for American women. It now appears that a major reason why women live longer than men is the fact that in the past fewer women smoked than men. Because of the increased prevalence of smoking among women, lung cancer is now projected to have surpassed breast cancer as the leading cause of cancer deaths in females.

Q: But isn't lung cancer historically a men's disease?

A: That's only because women started smoking in large numbers much later than did men during this century. Whereas lung cancer was rare in women before World War II, in 1985, 38,600 women died of lung cancer; the total was 87,000 for men. The estimates for 1989 are 49,000 female deaths and 93,000 male deaths. Because a larger proportion of men than women have quit smoking, because females now have considerably higher rates of initiation compared to males, and because smoking rates are higher for young women than young men, it is expected that the female-male gap in lung cancer deaths will continue to shrink.

Q: And what about heart disease?

A: In one recent report, smoking was shown to be the dominant cause of coronary heart disease among young and middle-aged women. As reported in *The New England Journal of Medicine*, smoking up to 14 cigarettes per day was associated with a two- to threefold increase in the risk of heart disease.

Q: What are the specific effects of smoking on pregnancy?

A: Women who smoke during pregnancy have a higher rate of spontaneous abortion (miscarriage), stillbirth, premature birth, sudden infant death, and low infant birth weight. Although 18 percent of women smokers will quit during pregnancy and 27 percent will cut back, almost all will relapse following birth of their babies.

Q: If a mother continues to smoke after her baby is born, won't this have an effect on the child?

A: It most certainly will. Statistics indicate that exposure of children to tobacco smoke in the house can increase the frequency of respiratory infections and respiratory symptoms and can even stunt lung growth. There is also an increased risk of hospitalization for bronchitis and pneumonia. And nicotine is present in breast milk for up to 5 hours after the mother smokes a cigarette.

Q: How do oral contraceptives and smoking interact?

A: Cigarette smoking increases the risk of such serious cardiovascular side effects from oral contraceptive use as stroke, heart attack, and sudden blockage of blood vessels (thromboembolism). Risk increases with age and with number of cigarettes smoked per day and is quite marked in women more than 35 years of age.

Q: What can be done for women who smoke at the workplace?

A: It is important, first, to find smoking cessation programs at the workplace that address issues specific to women. Second, female employees should be educated about how they are being targeted specifically by the tobacco industry; how they are uniquely at risk; and how environmental tobacco smoke affects them, their coworkers, and families. Third, women who smoke should be given strong, practical advice about alternative methods of weight and stress control.

For more information about tobacco use and advice on smoking cessation, call the Cancer Information Service at 1-800-4-CANCER (in Hawaii on Oahu call 524-1234; call collect from neighboring islands).

Smoking and the Blue-Collar Work Force

An interview with
Donald Shopland,
Smoking, Tobacco, and
Cancer Program,
National Cancer
Institute

Q: What distinguishes the blue-collar work force from the white-collar work force in terms of smoking behavior?

A: The most complete review of occupational differences among smokers is provided by the Surgeon General's 1985 report on cancer and chronic lung disease in the workplace. It reported that blue-collar workers smoke more, tend to start smoking at an earlier age, and have more difficulty quitting than white-collar workers. Their risk of disease is compounded by the fact that they are more apt to be exposed to other disease-causing agents in their work environment than white-collar workers.

Q: What other differences exist between smokers and nonsmokers?

A: Smoking varies inversely with education and income. College-educated white-collar workers and high-income earners are less likely to smoke than high school graduates, blue-collar workers, and those with low incomes.

There are also differences in smoking rates among racial and ethnic groups. Proportionately more black men are smokers (40%) than white men (31%), for example, while black women and white women have virtually the same smoking rates (28% versus 27%, respectively).

Q: Does the combination of smoking with exposure to hazardous substances at the workplace present a serious health risk to blue-collar workers?

A: Such risks were clearly identified in the 1979 Surgeon General's report on smoking, which suggested that cigarette smoke could transform existing chemicals into more harmful ones; increase exposure to existing toxic chemicals; add to the biological effects caused by certain chemicals; and interact synergistically with existing chemicals. The conclusion of the 1985 Surgeon General's report is very clear and specific: Workers who smoke and are exposed to hazardous substances have a greater risk of disease than if they face only one of the hazards.

The most frequently cited example in the report is that of lung cancer and asbestos workers. In one study, nonsmoking, heavily exposed asbestos workers had a fivefold increased risk of developing lung cancer than nonsmokers not exposed to asbestos. Smokers not exposed to asbestos have a 10-times greater risk of cancer than nonsmokers not exposed. *The risk is increased more than fiftyfold if the asbestos worker also smokes and nearly ninetyfold if that worker smokes more than a pack daily.*

Q: What is meant by synergy between toxic materials?

A: It is the effect just described: when the total risk is greater than the sum of the risks of independent exposures. It means, in the case of heavily exposed, smoking asbestos workers, that the risk of developing lung cancer is 5,000 percent greater than among workers who neither smoke nor are exposed to asbestos.

Q: Which is more harmful to a worker: exposure to hazardous agents or smoking?

A: According to the Surgeon General, "For the majority of American workers who smoke, cigarette smoking represents a greater cause of death and disability than their workplace environment." Because of the combined effects of smoking and occupational exposures to harmful agents, the total risk increases for the worker.

Q: Does this mean that employers can ignore current health and safety efforts if they implement nonsmoking policies?

A: Not at all. The intent of the 1985 Surgeon General's report was to stress the dramatic role smoking plays in employee health and to encourage workers, unions, and employers to



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implement and support smoking cessation efforts as an *adjunct to*, not a substitute for, occupational environmental controls. The two processes should occur concomitantly.

Q: What is the national stance taken by the unions on smoking controls in the workplace?

A: Unions have not united in a single position on the issue. By and large, they have tried to leave policy decisions in the hands of locals. Where opposition is expressed, it is frequently based on concerns over total bans and employer-mandated bans that do not go through union collective-bargaining procedures. There is also opposition to discriminatory hiring practices against smokers, mandatory participation in cessation programs, and overreactive disciplinary actions against smokers. On the other hand, in many situations, unions have been fully supportive of workplace smoking policies and have even taken leadership roles. These actions reflect the union's recognition of cigarette smoking as an important health and safety issue.

Either way, as long as smoking regulations remain a concern of employees, unions will need to be involved.

Q: If such a large percentage of the blue-collar work force smokes, why should workers be concerned about smoking-control policies and smoking cessation efforts?

A: Surveys over the past several years show that 87 percent of Americans—smokers and nonsmokers alike—are in favor of workplace bans or restrictions on smoking. Ninety-four percent recognize that smoking is a health hazard. A members' survey of chemical workers showed that 90 percent of the smokers wanted to quit smoking, and 65 percent of those wanted to quit right away.

The blue-collar population is beginning to hear and understand the message about the risks of smoking. It is important to continue processing and communicating new information from medical research and public surveys to reinforce what is already a growing concern.

For more information about tobacco use and advice on smoking cessation, call the Cancer Information Service at 1-800-4-CANCER (in Hawaii on Oahu call 524-1234; call collect from neighboring islands).

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**SMOKING
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Non-smokers Health Regulations

Statutory Authority

Non-smokers' Health Act

Sponsoring Department

Department of Labour

REGULATORY IMPACT ANALYSIS STATEMENT

Description

Bill C-27, an Act to amend the Non-smokers' Health Act, received Royal Assent on June 29, 1989, and will come into force on December 30, 1989. The Act prohibits smoking in all workplaces under federal jurisdiction except in designated smoking rooms and areas. The Act affects almost 650,000 workers in about 26,700 workplaces covered by federal jurisdiction.

The Act also affects almost 240,000 employees of the Public Service of Canada. A Treasury Board policy bans smoking in all Treasury Board facilities. Therefore, they are not included in this RIAS.

This RIAS addresses regulations made under the authority of the Non-Smokers' Health Act, the intent of which is to protect the safety and health of non-smokers in the workplace from environmental tobacco smoke. Under subsection 7(1) of the Act, the Governor in Council is proposing to make regulations:

(a) respecting the size, proportionate floor space, location, use, and other characteristics of rooms and areas that may be designated for smoking;

(b) respecting the ventilation of designated smoking rooms;

(c) permitting the designation of the whole or any part of aircraft, trains, motor vehicles or ships as areas or rooms for smoking, either generally or on specified routes or in specified classes of service, and prescribing the maximum proportion of accommodation of any class that may be designated for smoking;

(d) respecting the maximum proportion of motor vehicle trips in respect of which designated smoking areas may be provided during any specified travel period;

(e) the requirement for employers to inform employees and members of the public of the prohibition to smoke, and of the location of designated smoking rooms and areas;

(f) prescribing the form of tickets and informations to be provided in respect of section 14 and fixing the fines payable, as stipulated under section 11 for non-compliance with the legislation.

Règlement sur la santé des non-fumeurs

Fondement législatif

Loi sur la santé des non-fumeurs

Ministère responsable

Ministère du Travail

RÉSUMÉ DE L'ÉTUDE D'IMPACT DE LA RÉGLEMENTATION

Description

Le projet de loi C-27, *Loi modifiant la Loi sur la santé des non-fumeurs*, a reçu la sanction royale le 29 juin 1989 et entrera en vigueur le 30 décembre 1989. La Loi interdit l'usage du tabac dans tous les lieux de travail de compétence fédérale sauf les fumeurs et les zones fumeurs. La Loi touche près de 650 000 travailleurs dans environ 26 700 lieux de travail de compétence fédérale.

La Loi touche aussi près de 240 000 employés de la Fonction publique du Canada. Le Conseil du Trésor a une politique qui interdit l'usage du tabac dans toutes ses installations. Celles-ci ne seront donc pas visées dans le présent REIR.

Le présent REIR porte sur le règlement pris en vertu de la *Loi sur la santé des non-fumeurs*, dont l'objet est de protéger la santé et la sécurité des non-fumeurs contre la fumée de tabac présente dans les lieux de travail. En application du paragraphe 7(1) de la Loi, le gouverneur en conseil propose, par le règlement, de :

a) déterminer les dimensions, la surface proportionnelle, l'emplacement, l'utilisation et les autres caractéristiques des fumeurs ou zones fumeurs;

b) déterminer les critères relatifs aux systèmes de ventilation des fumeurs;

c) permettre la désignation de fumeurs ou zones fumeurs à bord d'aéronefs, de trains, de véhicules automobiles ou de navires, soit de façon générale, soit pour des trajets ou des catégories de liaisons déterminés, et prévoir la proportion maximale des places d'une même classe susceptibles d'être comprises dans des fumeurs ou zones fumeurs;

d) prévoir, soit de façon générale, soit pour des trajets ou des catégories de liaisons déterminés, la proportion maximale des véhicules automobiles susceptibles de comporter des zones fumeurs pendant des périodes déterminées;

e) prévoir l'obligation pour l'employeur d'informer les employés et le public de l'interdiction de fumer et de l'emplacement des fumeurs ou zones fumeurs;

f) fixer la forme des procès-verbaux de contravention et des dénonciations à employer pour l'application de l'article 14, ainsi que les amendes exigibles en vertu de l'article 11, en cas d'infraction à cette loi.

Alternatives Considered

Regulations are required to enable the inspectors to administer and enforce the Act.

The alternative to promulgating regulations is not to have any regulations in which case smoking would not be permitted in any workplace under federal jurisdiction. In addition, the enforcement methods would not be specified, and the Act would not be enforceable.

Consistency with Regulatory Policy and Citizens' Code

This regulation will be consistent with the regulatory policy, in that the benefits far outweigh the costs, and the regulation was developed in tripartite consultation among industry, labour and government. It was announced in the Regulatory Plan for 1989.

Anticipated Impact

The intent of these regulations is to protect non-smokers from second-hand tobacco smoke. There is sufficient evidence indicating that prolonged exposure to environmental tobacco smoke leads to a variety of health problems for non-smokers, and many reports show that second-hand smoke exacerbates symptoms of pre-existing conditions such as angina, acute respiratory diseases, chronic obstructive lung disease, asthma, hay fever and other allergies.

Epidemiological evidence also points to increased risks of lung cancer deaths for exposed non-smokers. In Canada, of the estimated 30,000 (1985) lung cancer deaths directly attributable to smoking, approximately 500 of them are non-smokers exposed to second-hand smoke in the workplace.

Benefits: The introduction of these regulations will result in savings of about \$22.00 million a year in real terms, due to reduced smoke and related property damage, depreciation, maintenance and cleaning costs and in reduced ill-effects of involuntary smoking. The breakdown in savings is as follows:

Savings in maintenance and cleaning costs	\$10.4 million
Savings in reduced property damage and depreciation	\$ 1.3 million
Savings from reduced involuntary smoking	\$20.5 million
Total	
Benefits	\$32.2 million
This is equivalent to \$22.00 million in constant (1981=100) dollars.	

Costs: The costs of implementing these regulations will consist of some capital costs of establishing and operating designated smoking rooms in workplaces except those under Treasury Board control.

Since the regulations do not require separately ventilated rooms for buildings built before 1990 unless reasonably practicable, the only relevant costs are operating costs. It must also be remembered that the employer is not obliged to establish designated smoking rooms.

Autres mesures envisagées

Le règlement est nécessaire pour permettre aux inspecteurs d'appliquer et d'exécuter la Loi.

La solution autre que la promulgation du règlement est de ne pas avoir de règlement, auquel cas l'usage du tabac serait interdit dans tout lieu de travail de compétence fédérale. En outre, les méthodes d'exécution ne seraient pas précisées, et la Loi serait inexécutable.

Conformité à la politique de réglementation et au Code d'équité

Ce règlement sera conforme à la politique de réglementation, car les avantages l'emportent de beaucoup sur les coûts, et le règlement a été élaboré en consultation tripartite entre les entreprises, les syndicats et le gouvernement. Il a été annoncé dans les Projets de réglementation fédérale pour 1989.

Répercussions prévisibles

L'objet de ce règlement est de protéger les non-fumeurs contre la fumée de tabac secondaire. Suffisamment de preuves indiquent que l'exposition prolongée à la fumée de tabac ambiante cause divers problèmes de santé chez les non-fumeurs, et de nombreux rapports montrent que la fumée secondaire exacerbe les symptômes de troubles préexistants, comme l'angine, les atteintes respiratoires aiguës, la bronchopneumopathie chronique obstructive, l'asthme, le rhume des foies et d'autres allergies.

Des preuves épidémiologiques indiquent également un accroissement des risques de décès par cancer pulmonaire chez les non-fumeurs exposés. Au Canada, sur les quelques 30 000 (1985) décès par cancer pulmonaire directement attribuables à l'usage du tabac, environ 500 ont frappé des non-fumeurs exposés à la fumée secondaire dans des lieux de travail.

Avantages: L'adoption de ce règlement fera économiser environ 22 millions de dollars par an en termes réels, à cause de la diminution des dommages provoqués par la fumée et d'autres causes connexes, de la dépréciation, des coûts d'entretien et de nettoyage et des méfaits du tabagisme passif. La ventilation des économies est la suivante :

Économies de coûts d'entretien et de nettoyage	10,4 millions \$
Économies dues à la réduction des dommages matériels et de la dépréciation	1,3 million \$
Économies découlant de la diminution du tabagisme passif	20,5 millions \$
Total	
Avantages	32,2 millions \$
Cette somme équivaut à 22 millions de dollars en dollars constants (1981=100).	

Coûts: La mise en œuvre de ce règlement entraînera certains coûts en capital pour l'aménagement et le fonctionnement de fumeurs dans les lieux de travail, à l'exception de ceux qui relèvent du Conseil du Trésor.

Comme le règlement n'exige pas de fumeurs pourvu d'un système de ventilation indépendant dans les immeubles construits avant 1990 sauf dans la mesure du possible, les seuls coûts pertinents sont les frais de fonctionnement. Il faut également rappeler que l'employeur n'est pas tenu d'aménager des fumeurs.

Cost of signs: approximately \$2.00 million

Cost to set up smoking rooms: a maximum one time cost of \$19.77 million in the year of implementation. Thereafter, annual maintenance and cleaning costs of \$1.43 million will apply.

Comparison of costs and benefits: Over the projected 10-year period (1990-1999), these regulations will result in net benefits to employers and non-smokers of at least \$12.00 million per year. The total cumulative amount discounted at the recommended rate of 10% is about \$143.00 million.

The implementation costs of \$19.77 million plus the annual maintenance and cleaning costs of \$1.43 million discounted at 10% over the same period results in total costs of about \$16.9 million in real terms.

Benefit-Cost Ratios: 6.2 at 15%; 7.0 at 10% and 8.0 at 5%

These regulations restrict smoking to designated smoking rooms and areas, if the employer decides to establish them. The effect of this is to remove from quantitative analysis several potential benefits of a smoking ban such as the potential reduction in time devoted to tobacco use, the reduction in the number of smokers and the impact on employees' health due to a reduction in the actual consumption of tobacco. Nevertheless, there are real benefits. These are:

- The inducement for smokers to quit smoking
- Reduction in the cost of absenteeism
- Reduction in productivity losses
- Reduction in insurance premiums
- Reduction in the costs of property damage and depreciation

Reduction in costs for property maintenance and cleaning

Paperburden and Small Business Impact: These regulations do not impose any requirements for record keeping on the part of employers. The only paper work is related to enforcement i.e. ticketing offenders and attending court where necessary. The costs related to these activities are historic and non-incremental.

These regulations will apply to workplaces in all industries under federal jurisdiction. The majority of small businesses are likely found in transportation and postal operations. Implementing these regulations will not be burdensome for small transportation companies since most of them have very few office employees. For postal contractors, most of them operate in shops which are covered by provincial or municipal anti-smoking by-laws.

Costs to the Tobacco Industry: It is recognized that the inducement to quit smoking may lead to reduced revenues for the tobacco industry. However, this outcome is treated as a non-quantifiable cost for the purpose of these regulations for the same reason that the benefit related to quitting smoking was not quantified. It should also be noted that government programs exist to help the tobacco farming community switch to producing alternative crops.

Coût des écriteaux et des symboles : environ 2 millions de dollars.

Coût de l'établissement de fumeurs : un coût ponctuel maximal de 19,77 millions de dollars au cours de l'année de mise en œuvre. Par la suite, des coûts d'entretien et de nettoyage de 1,43 million de dollars s'appliqueront.

Comparaison des coûts et des avantages : Sur une période prévue de 10 ans (1990-1999), ce règlement fera bénéficier les employeurs et les non-fumeurs d'avantages nets d'au moins 12 millions de dollars par an. Le montant cumulatif total actualisé au taux recommandé de 10 % est d'environ 143 millions de dollars.

Les coûts de mise en œuvre de 19,77 millions de dollars plus les frais d'entretien de 1,43 million de dollars, actualisés à 10 % pendant la même période entraîneront des coûts totaux d'environ 16,9 millions de dollars en termes réels.

Coefficients coûts-avantages : 6,2 à 15 %, 7 à 10 % et 8 à 5 %

Ce règlement limite l'usage du tabac aux fumeurs et aux zones fumeurs, si l'employeur décide d'en aménager. L'effet de cette mesure est de soustraire à l'analyse quantitative plusieurs avantages éventuels d'une interdiction de fumer, comme la réduction éventuelle du temps consacré à l'usage du tabac, la diminution du nombre des fumeurs et l'incidence, sur les employés, de la baisse de la consommation réelle du tabac. Toutefois, il y a des avantages véritables, à savoir :

- L'incitation des fumeurs à abandonner leur habitude
- La baisse du coût de l'absentéisme
- La diminution des pertes de productivité
- L'abaissement des primes d'assurance
- La réduction des coûts des dommages matériels et de la dépréciation
- La compression des coûts d'entretien et de nettoyage

Fardeau administratif et incidence sur les petites entreprises : Ce règlement n'exige des employeurs aucune tenue de dossiers. Les seules écritures sont reliées à l'exécution, c'est-à-dire la remise de procès-verbaux de contravention et la présence dans des cours, au besoin. Les coûts afférents à ces activités sont historiques, et non différentiels.

Ce règlement s'appliquera aux lieux de travail de toutes les industries de compétence fédérale. La plupart des petites entreprises visées sont susceptibles de se trouver dans les transports et les opérations postales. La mise en œuvre de ce règlement ne sera pas une charge pour les petites sociétés de transport, car la plupart d'entre elles comptent très peu d'employés travaillant dans des bureaux. Quant aux entrepreneurs postaux, la plupart exercent leur activité dans des magasins visés par des règlements anti-tabac provinciaux ou municipaux.

Coûts pour l'industrie du tabac : Il est reconnu que l'incitation à renoncer au tabac fera peut-être diminuer les recettes de l'industrie du tabac. Toutefois, ce résultat est considéré comme un coût non quantifiable aux fins de ce règlement pour la même raison que les avantages afférents à la renonciation au tabac n'ont pas été quantifiés. Il faut également remarquer qu'il existe des programmes gouvernementaux destinés à aider les tabaculteurs à passer à d'autres cultures.

Non-Allocative Effects: Partly because these regulations do not impose a total ban on smoking, they are not likely to affect non-allocative factors in the economy.

Consultation

These regulations were developed with the full participation of labour and management representatives and after extensive consultation with all affected parties. A list of principal representatives of labour and management who have been consulted as well as a detailed cost benefit analysis is available on request.

There was opposition to these regulations from a number of groups lobbying for the Smokers and Tobacco manufacturers. The Non-Smokers group argued for a total ban. These were considered by the working group and it was decided to pursue the option to draft regulations under the authority of the Act.

Compliance Mechanism

The regulations are self-regulating in the sense that employers will be expected to ensure compliance in their workplace. Employees contravening the Act will be subject to normal disciplinary action by the employer. Provision is also made in the Act for inspectors or peace officers to issue a ticket in cases of contravention.

For Further Information Contact

John Carter, Program Consultant, Occupational Safety and Health Branch, Department of Labour, Ottawa, Ontario K1A 0J2, 819-953-0244.

Effets non répartis : Partiellement parce que ce règlement n'interdit pas totalement l'usage du tabac, il n'agira sans doute pas sur les facteurs non répartis de l'économie.

Consultations

Ces règlements ont été élaborés avec la participation entière des représentants syndicaux et patronaux et à la suite de consultations intenses tenues avec toutes les parties intéressées. On peut obtenir, sur demande, la liste des principaux représentants patronaux et syndicaux qui ont été consultés ainsi qu'une analyse détaillée des coûts et des avantages.

Ces règlements ont fait face à une certaine opposition de la part de quelques groupes de pression agissant au nom des fumeurs et des fabricants de tabac. Quant aux non-fumeurs, ils ont demandé l'interdiction totale. Ces facteurs ont été analysés par le groupe de travail, et il a été décidé de continuer, selon l'option retenue, de rédiger des règlements conformément à la Loi.

Mécanismes d'observation à prévoir

Le règlement est autonome, car les employeurs devront en assurer le respect dans leurs lieux de travail. Les employés qui contreviendront à la Loi encourront les mesures disciplinaires normales de l'employeur. La Loi prévoit également que les inspecteurs ou les agents de la paix pourront remettre des procès-verbaux de contravention.

Pour de plus amples renseignements, communiquer avec

John Carter, Conseiller de programme, Direction de la sécurité et santé au travail, Ministère du Travail, Ottawa (Ontario) K1A 0J2, 819-953-0244.

PROPOSED REGULATORY TEXT

Notice is hereby given that the Governor in Council proposes, pursuant to subsection 7(1)* of the Non-Smokers' Health Act**, to make regulations in accordance with the attached schedule.

Interested persons may make representations in writing concerning the general provisions of the regulations to J. M. Carter (Department of Labour) and concerning the transportation provisions to D. Bedier (Department of Transport) within 30 days of the date of publication of this notice. All such representations should cite *Canada Gazette*, Part I, the date of publication of this notice, and be sent to J. M. Carter, Occupational Safety and Health Branch, 9th Floor, Department of Labour, Ottawa, Ontario K1A 0J2, or D. Bedier, Senior Advisor, Department of Transport, Room 2608, Tower C, Place de Ville, Ottawa, Ontario K1A 0N9.

September 28, 1989

HENRI CHASSÉ
Assistant Clerk of the Privy Council

* S.C. 1989, c. 7, s. 1

** S.C. 1988, c. 21

PROJET DE RÉGLEMENTATION

Il est par les présentes donné avis que le gouverneur en conseil propose, en vertu du paragraphe 7(1)* de la *Loi sur la santé des non-fumeurs***, de prendre un règlement, conformément à l'annexe ci-après.

Les personnes intéressées pourront faire connaître leurs vues par écrit à M. J. M. Carter (Ministère du Travail) concernant les dispositions générales du règlement et à M. D. Bedier (Ministère des Transports) au sujet des dispositions visant le transport en commun, dans les 30 jours suivant la publication du présent avis. Dans chaque cas, il faudra citer la Partie I de la *Gazette du Canada* et la date de publication du présent avis et envoyer la correspondance à M. J. M. Carter, Direction de la sécurité et de la santé au travail, 9^e étage, Ministère du Travail, Ottawa (Ontario) K1A 0J2, ou à M. D. Bedier, conseiller principal, Ministère des Transports, Pièce 2608, Tour C, Place de Ville, Ottawa (Ontario) K1A 0N9.

Le 28 septembre 1989

Le greffier adjoint du Conseil privé
HENRI CHASSÉ

* L.C. 1989, ch. 7, art. 1

** L.C. 1988, ch. 21

8(2) 8(2)

CORPORATION OF THE CITY OF HAMILTON
LEGISLATION COMMITTEE

A BRIEF
ON
SALE OF TOBACCO TO MINORS
by

ONTARIO CANCER TREATMENT AND RESEARCH FOUNDATION
HAMILTON-WENTWORTH REGIONAL INTERAGENCY COUNCIL ON SMOKING AND HEALTH
ONTARIO INTERAGENCY COUNCIL ON SMOKING AND HEALTH
STUDENT MOVEMENT AIMED AT RESTRICTING TOBACCO
REGISTERED NURSES ASSOCIATION OF ONTARIO
HEART AND STROKE FOUNDATION OF ONTARIO
PHYSICIANS FOR A SMOKE FREE CANADA
ONTARIO PUBLIC HEALTH ASSOCIATION
NON-SMOKERS' RIGHTS ASSOCIATION
HAMILTON ACADEMY OF MEDICINE
ONTARIO MEDICAL ASSOCIATION
CANADIAN DENTAL ASSOCIATION
ONTARIO LUNG ASSOCIATION
CANADIAN CANCER SOCIETY

Presented by:

Dr Michael D. E. Goodyear, BMedSc, MBBS, FRACP, FRCPC, FACP,
Assistant Professor,
Regional Cancer Centre,
Department of Medicine, Faculty of Health Sciences,
McMaster University.

711 Concession St.,
Hamilton, Ontario, L8V 1C3,
(416) 387-9495.
FAX 575-6316.

Monday, May 1st, 1989.

Introduction

There is no longer any controversy regarding the adverse health effects of tobacco consumption, the major cause of death and ill-health in Canada, accounting for one quarter of all deaths amongst adults.

Despite the efforts of the medical and health-care community, surveys such as the October 25, 1988 Gallup Poll reveal a widespread ignorance of the full extent of the problem, which causes 17,000 unnecessary deaths in Ontario every year, and costs Ontario 3 billion dollars annually.

Nicotine, a major ingredient of tobacco is classified as one of the more powerful addictive drugs and only a very small number of adult smokers are able to successfully quit.

The smoking habit is acquired in childhood despite the fact that it is illegal to supply children under the age of 18 with tobacco products, and educational efforts in the schools have been disappointing. The tobacco manufacturing industry seeks to acquire a large number of young recruits each year to replace the loss of sales from the premature death of smokers. The increasing proportion of young women smoking and the declining average age of initiation into smoking bear witness to the industry's success relative to the efforts of the educational and health care community.

The only real hope for making major reductions in tobacco-related death and illness lies in the protection of children from being recruited into the mass of adult addicts.

Children and smoking

Many children first start smoking at preschool age, and the proportion of those individuals who will become smokers, who have already started, increases rapidly through high school, so that virtually all smokers have started by the the time they they leave school. This addiction is thus acquired before the individual reaches an age at which they can be expected to be aware of the consequences of their actions. Based on the reported incidence of smoking in children (almost certainly under-reported) illegal sales of tobacco to minors reached \$93 million in Ontario in 1986, and is presumably higher now.

Many public health authorities have now conducted surveys of current practices with respect to sales to minors and have found that between 95% and 100% of children aged twelve or older who ask to buy cigarettes are able to do so without questions being asked.

The current trade in illegal sales of tobacco products is too lucrative and the penalties too inadequate to expect any improvement in the current situation. The laxities of the current system encourage flaunting of the law at an early age.

The Law in Ontario

Smoking amongst children is governed by both Federal and Provincial statutes.

The Federal Tobacco Restraint Act of 1908 :

1) Prohibits the provision of tobacco products to any person under the age of sixteen, whether they be for their own personal use or not.

2) Any law enforcement officer may seize tobacco products in the possession of any person suspected to be under the age of sixteen.

3) Vending machines may be ordered to be removed if there is evidence that a person under the age of sixteen has used them.

4) The owner of such a machine or the premises on which such a machine is kept may seize tobacco products obtained from that machine.

The law provides penalties for both the supplier of the tobacco products, and for any person under the age of sixteen found in possession.

The Ontario Minors' Protection Act of 1892 :

Extends the prohibition of provision of tobacco products to the age of eighteen, but allows for the purchase of such products on a written note from a parent or guardian between the ages of sixteen and eighteen.

The penalties provided for in these acts have not been revised and it is doubtful, even if the laws were more widely known, that they would provide much of a deterrent. It is clear that these laws are not being enforced.

Municipal Law :

The Municipal Act (and also the Regional Municipality of Hamilton-Wentworth Act) delegates powers to the City "for licensing, regulating and governing keepers of stores and shops where tobacco, cigars or cigarettes are sold by retail, and for revoking any such license".

The current license fee (By-Law 79-323; S20) is \$20. By contrast Metropolitan Toronto's license fee (By-Law 20-85; S11) is \$43.

On April 24th, 1989, the Legislation and Licensing Committee of Metropolitan Toronto recommended to Council as follows :

1) To immediately hire one extra enforcement officer to specifically ensure compliance with provincial and federal law. (It was estimated that eventually 5 to 6 extra officers would be required for the approximately 7000 current vendors).

2) To increase the current license fee to cover the costs of hiring extra staff (approximately \$70).

3) To recommend to the Provincial Government that the Minors' Protection Act be amended to provide for fines of at least \$5000.

4) To immediately amend Schedule 11 to require that all vendors post in a conspicuous place, the provisions of the Minors' Protection Act.

(Note that currently Schedule 11 provides for revocation of any license where there are reasonable grounds for belief that the continuation of that trade by the vendor will result in a breach of the by-law or any other law, and also requires that any automatic vending machine be located in full view and under the direct supervision of the licensee or his or her employees).

5) To request the General Manager of the licensing commission to examine and report back within 30 days on the feasibility of implementing the recommendations made by the medical and other health professions.

6) To strike a subcommittee consisting of representatives of the committee, the Public Health Association, and the Inter-Agency Council on Smoking and Health to formulate uniform recommendations for future policies in this area.

Recommendations

(1) That the Hamilton-Wentworth Regional Police Force be requested to enforce the current federal and provincial legislation, and that Public Health Unit staff investigate the current situation with respect to compliance and lay charges where appropriate.

(2) That the licensing fee for tobacco products be substantially increased, to reflect both the remunerative nature of the product being sold and the costs of enforcing the licensing system, and that an two additional enforcement officers be recruited to ensure compliance with both statutory law and the by-law. A fee of at least \$1,200 is suggested. Part of this fee could then also be used for public education purposes.

(3) That amendments to the by-law include making the provision of tobacco products to persons under the age of nineteen a municipal offence. This would bring tobacco into line with the sale of alcohol.

(4) That there be only a fixed number of licenses issued in the City of Hamilton, and that this number be reviewed annually with a view to progressive reduction, and that there be no further new licenses issued.

(5) That licenses not be renewed to vendors in places to which minors have access, or within 500m of day-care centres, schools or other educational institutions.

(6) That licenses not be renewed to vendors in health care premises (including pharmacies and hospitals) or within educational facilities.

(7) That licenses not be renewed for the selling of tobacco products by vending machines, or for chewing or spitting tobacco.

(8) That proof of age be required for the purchase of tobacco products.

(9) That provision be made for regular inspection of licensees to ensure compliance with the law.

(10) That licenses be suspended for any breach of the legislation, and that stiff penalties be provided for any breach of the By-law, we would suggest a fine of \$2,000 on the first offence, with higher amounts for subsequent offences. This brings the fines into line for those provided for breach of no-smoking by-laws. A hearing should be convened upon receipt of information regarding the laying of charges or conviction for contravention of the statutes or by-laws.

(11) That applications for renewal of licenses be published and that there be provision made for hearings where interested parties may oppose the granting of such licenses.

(12) That licensees be required to display copies of the Tobacco Restraint Act and the Minors' Protection Act in a prominent place and in association with displays of tobacco products.

(13) That licensees be required to provide educational material on the health effects of tobacco in association with their displays, together with copies of the health warnings as prescribed under the Tobacco Products Control Act 1988.

(14) That persons under the age of nineteen be prohibited from engaging in the sale of tobacco products.

(15) That should, in the opinion of the City Solicitor, any of the above recommendations exceed the statutory powers of the City, that enabling legislation be sought from the Province to delegate such powers.

(16) That the Province of Ontario be requested to amend the Minors' Protection Act to :

- (a) Increase the age of limit from eighteen to nineteen, as in Paragraph 3 of these recommendations.
- (b) Repeal Subsection 1.(2) allowing sale to minors with a written note from parents or guardians.
- (c) Increase the fine for the sale of tobacco to minors to a sum of not less than \$2,000 and not more than \$5,000.

Enclosures

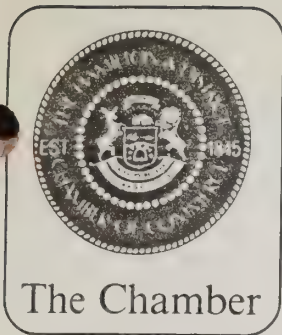
Public brief "Preventing the Sale of Tobacco Products to Minors" supported by major health, religious and community organisations.

Endorsed since publication by:

Ontario Young Liberals

Ontario New Democratic Youth

Ontario Dental Association



8(e)
OCT 10 1990

October 4, 1990

Ald. Brian Hinkley, Chairman
Finance & Administration Committee
City of Hamilton
71 Main St. W.
Hamilton, Ontario
L8N 3T4

Dear Ald. Hinkley:

Please accept this as our formal request to appear before the Finance and Administration Committee on October 25th to discuss the "Smoking in the Workplace" legislation.

We look forward to presenting the business perspective on this issue and hope that you or the committee secretary could advise us of the time.

Thank you for your consideration.

Sincerely,

Kathy G. Drewitt
Director of Policy

OCT. 29 1990

URBAN/MUNICIPAL

C 5173
1990**FINANCE AND ADMINISTRATION COMMITTEE**

GOVERNMENT DOCUMENTS

OCTOBER 25, 1990**C O N S E N T A G E N D A**

- A. **ADOPTION OF THE MINUTES** - Regular Meeting of 1990 October 4
- B. **MANAGER OF PURCHASING**
- (i) Purchase of One (1) Stationary Steam Pressure Washer, Fleet Services
 - (ii) Supply and Delivery of Anti-Freeze, City Garage
 - (iii) Window Replacement, Central Memorial Recreation Centre
 - (iv) Replacement of Two (2) 1/2 Ton Pickup Trucks, Units #9318/22, Fleet Services
 - (v) Purchase of Two (2) Elephant Vacs, Fleet Services
 - (vi) Purchase of One (1) 1991 Mid Size Four Door Sedan, City Garage
- C. **CITY CLERK**
- (i) Use of City Hall Facilities - Annual Children's Christmas Party, Local 167
 - (ii) Flying of the Latvian Flag at City Hall
- D. **CITY SOLICITOR**
- NIMLO Annual Conference (National Institute of Municipal Law Offices)
Boston, Massachusetts - September 23-27, 1990
- E. **COMMISSIONER OF HUMAN RESOURCES**
- (i) Salary Classification - Superintendent of Facilities - Public Works Department
 - (ii) Salary Classifications - Traffic Department
 - (iii) Restructuring - Inspection Division of Building Department

F. TREASURER

- (i) Canada Pension Plan Reduction - Councillors Supplementary Pension Plan
- (ii) Status of Hosting, Receptions and Related Accounts as at October 19, 1990
- (iii) Status of Unclassified Revenue and Expenditures as at September 30, 1990
- (iv) Status of Revenues and Expenditures as at September 30, 1990 Compared with Budget

Thursday, 1990 October 4
8:00 o'clock a.m.
Room 233, City Hall

A.

The Finance and Administration Committee met.

There were present:

Alderman B. Hinkley, Chairman
Alderman D. Ross, Vice-Chairman
Mayor R. M. Morrow
Alderman T. Cooke
Alderman V. J. Agro
Alderman G. Copps
Alderman D. Agostino
Alderman T. Jackson
Alderman J. Gallagher

Also present:

Mr. L. Sage, Chief Administrative Officer
Ms. P. Noe Johnson, City Solicitor
Mr. B. Loretto, Solicitor's Department
Mr. A. Georgieff, Director of Local Planning
Mr. B. Janssen, Planning Department
Mr. E. C. Matthews, Treasurer
Mr. K. Beattie, Grants Co-ordinator
Mr. T. Daw, Manager of Revenue
Mr. N. Adhya, Manager of Budgets
Mr. T. Bradbury, Supervisor of Taxation
Mr. T. Bradley, Manager of Purchasing
Ms. D. Jones, Manager, Personnel Services
Mr. G. Baker, Fire Chief
Mr. K. Kiernan, Chief Fire Prevention Officer
Mr. K. E. Avery, City Clerk
Mr. J. Thompson, Secretary

1. MEETING WITH MR. DUNCAN BEATTIE RE THE HAMILTON HARBOUR COMMISSIONERS

The Finance and Administration Committee met immediately prior to its regularly scheduled meeting at 8:00 o'clock a.m. to receive a report from Mr. Duncan Beattie, the City's appointee to the Hamilton Harbour Commissioners, on recent developments at the Hamilton Harbour Commissioners and to discuss matters relating to the harbour. All members of City Council were invited to attend this special meeting.

Mr. Duncan Beattie was in attendance and distributed a copy of the 1989 Annual Report of the Hamilton Harbour Commissioners.

Mr. Beattie proceeded to provide the Committee with a port project update. He explained that the Commissioners continued with their east port development in 1989 and construction is continuing according to plans. Pier 25 is almost full. There are two berths available in Pier 26, and there is a constant program to solicit tenants. Pier 27 is not finished as yet. Mr. Beattie provided the Committee with the following statistics: 3 000 students took advantage of sailing school in 1990; port tonnage as at August 31st has increased 7.5% over the same period in 1989; 491 vessels arrived in port during 1989, which represents a 4.9% increase over 1988; approximately 99% of all departmental approvals and certificates have been secured; the harbour commissioners are receiving applications for new berths; permission has been secured from City Council to bridge the Pier 4 Park with the City's Waterfront Park Concept Project. Mr. Beattie pointed out that the Commissioners have not proceeded with the development of Pier 4 Park because of the status of the Lax property. Over 4 000 boaters have launched their vessels at Fishermen's Pier. Long and short term storage facilities are available at the harbour.

During 1989 the Commissioners transferred \$1 693 000 to the reserve for future harbour improvements. The balance in the reserve, an amount of \$14 100 000 is set aside for future capital expenditures, most of which will be used for the east port development.

With respect to the Windermere Basin Project, Alderman Ross emphasized the need to ensure that the project is finished, capped, and used for parkland purposes.

Mr. Beattie provided the Committee with background information on the 1987 sale by J. I. Case Canada to the Hamilton Harbour Commission. He explained that the Commissioners had received a legal opinion indicating that although Mr. Lush had declared a conflict of interest, there was no legal impediment in the Commissioners acquiring the land as it was needed for access and expansion. Mr. Beattie felt that the lawyers' legal opinion was incorrect.

Following considerable discussion, the Committee agreed to submit the following resolution to City Council for approval:

That, consistent with the resolution adopted by Hamilton City Council at its meeting held 1990 March 13 dealing with matters relating to the Hamilton Harbour Commission as outlined in the letter of Mayor Robert M. Morrow dated 1990 March 20 to The Honourable Doug Lewis, Minister of Transport, a copy of which is attached hereto as Appendix "D", the following resolution be forwarded to The Right Honourable Brian Mulroney, Prime Minister of Canada:

- (a) That City Council call upon the Federal Government to revisit the recommendations made by the City's "Task Force to Review the Mandate and Structure of the Hamilton Harbour Commissioners dated January 1989" with specific reference to the structure and composition of the Hamilton Harbour Commissioners;
- (b) That the Federal Government undertake to immediately fill the vacancy on the Hamilton Harbour Commission and in so doing consult with the City of Hamilton;
- (c) That an open public inquiry be undertaken to ensure that any sale of land with specific reference to the 1987 sale by J. I. Case Canada to the Hamilton Harbour Commission in which Mr. P. Lush declared a conflict of interest complied in all respects with the Hamilton Harbour Commissioners Act of 1912 which reads in part:

"The Corporation shall not have any transaction of any pecuniary nature, either in buying or selling, with any member thereof, directly or indirectly."

and further, that Hamilton City Council request an immediate meeting with the Prime Minister of Canada to discuss and review harbour issues and concerns, and that a copy of this resolution be forwarded to all local MPs.

2. MUNICIPAL MANAGEMENT INSTITUTE CERTIFICATES

Mr. Stan Hollowell, Manager, Records Division, and Ms. Tina Agnello, Legislative Assistant I, were formally recognized for their successful achievement of Municipal Management Designations.

3. CONSENT AGENDA

A. ADOPTION OF MINUTES

The minutes of the meeting of the Finance and Administration Committee held 1990 September 20 were received and adopted as circulated to the members.

B. MANAGER OF PURCHASING

SUPPLY AND DELIVERY OF PANASONIC VIDEO EQUIPMENT,
HAMILTON FIRE DEPARTMENT

As outlined in a report of the Manager of Purchasing dated 1990 September 19, the Committee agreed to submit the following recommendation to City Council for approval:

That a purchase order be issued to Hill's Video Centre, Hamilton, in the amount of \$17 007.84, which was the only tender received, to supply and deliver Panasonic Video Equipment to the Hamilton Fire Department, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender, and that this expenditure be financed from Operating Equipment and Training Program Account No. CH58005 48001 (\$9 000) and CH55204 48035 (\$8 007.84).

C. COMPREHENSIVE AUDIT SUB-COMMITTEE

CONSULTANT TO CONDUCT A COMPREHENSIVE AUDIT, LICENCE
DIVISION, CITY CLERK'S DEPARTMENT

As outlined in a report of the Secretary of the Comprehensive Audit Sub-Committee, dated 1990 September 27, the Committee agreed to submit the following recommendation to City Council for approval:

That a purchase order be issued to Ernst & Young Management Consultants, Hamilton, in the amount of \$45 500, which was the lowest of four (4) proposals received, to conduct a comprehensive audit of the Licence Division, City Clerk's Department in accordance with the Request for Proposal issued by the Manager of Purchasing and Vendor's submission, and that this expenditure be financed from the Comprehensive Audit Account No. CH56394 24101.

D. CITY CLERK - USE OF CITY HALL FACILITIES

(i) FLYING OF LUNG ASSOCIATION FLAG

As outlined in a report of the Deputy City Clerk dated 1990 September 21, the Committee agreed to submit the following recommendation to City Council for approval:

That the request of the Lung Association to fly the Lung Association flag at City Hall during the months of 1990 November and December during the Christmas Seal Campaign, be approved.

(ii) FLYING OF COLONY OF DELTA UPSILON FRATERNITY FLAG

The Committee had before it a report of the Deputy City Clerk dated 1990 September 21 recommending that the request of McMaster University Delta Upsilon Colony to fly the Delta Upsilon Colony flag at City Hall be approved.

This report was deferred for further review.

(iii) FLYING OF HUNGARIAN FLAG

As outlined in a report of the Deputy City Clerk dated 1990 September 21, the Committee agreed to submit the following recommendation to City Council for approval:

That the request of the Hungarian Community of Hamilton to fly the Hungarian flag at City Hall on 1990 October 23 in recognition of Hungarian Day in Hamilton, be approved.

(iv) HAMILTON-WENTWORTH REGIONAL POLICE COMMUNITY SERVICES BRANCH

As outlined in a report of the Deputy City Clerk dated 1990 September 27, the Committee agreed to submit the following recommendation to City Council for approval:

That permission be granted to the Hamilton-Wentworth Regional Police Community Services Branch to use the first and second floors, including the City Clerk's foyer, at City Hall on 1990 November 05 from approximately 2:00 p.m. to 8:00 p.m. for a Home Security Fair during National Crime Prevention Week.

(v) HAMILTON-BURLINGTON BRANCH CANADIAN ABORTION RIGHTS ACTION LEAGUE

As outlined in a report of the Deputy City Clerk dated 1990 September 27, the Committee agreed to submit the following recommendation to City Council for approval:

That approval be given to the request of the Hamilton-Burlington Branch of the Canadian Abortion Rights Action League to use the first floor and forecourt of City Hall on Saturday, 1990 October 13 from 11:00 a.m. to 1:00 p.m. for a "Reproductive Rights Fair", including the use of the various equipment, and that expenditures associated with this event such as staff overtime, be financed from Property Maintenance Division Account No. CH55222 10034.

E. TREASURER(i) FINANCING APPRAISAL COSTS - CRESCENT OIL PROPERTY

As outlined in a report of the Treasurer dated 1990 September 27, the Committee agreed to submit the following recommendation to City Council for approval:

That the estimated cost of \$4 000 to obtain an independent appraisal for the Crescent Oil property at 136 Cannon Street West, as approved by City Council 1990 September 25 in adopting Section 1 of the Twelfth Report of the Transport and Environment Committee, be funded from the Reserve for Property Purchases, Centre 00102.

(ii) FINANCING HOSTING COSTS FOR THE ONTARIO RECREATION SOCIETY CONFERENCE BEING HELD IN THE CITY OF HAMILTON IN FEBRUARY 1991

As outlined in a report of the Treasurer dated 1990 September 27, the Committee agreed to submit the following recommendation to City Council for approval:

That an amount not to exceed \$4 000 to sponsor a civic luncheon and a hospitality program at the Ontario Recreation Society Conference being held in Hamilton at the Convention Centre in February 1991, as referred to in Section 4 of the Eighteenth Report of the Parks and Recreation Committee, be financed from the Reserve for "Hosting of Conferences with Municipal Subject Content", Centre 00126.

(iii) FINANCING THE INCREASED COST OF \$20 000 FOR CITY'S SHARE FOR THE CONSTRUCTION OF SIDEWALKS ON UPPER PARADISE ROAD BETWEEN STONE CHURCH ROAD AND LUNNER AVENUE

As outlined in a report of the Treasurer dated 1990 September 27, the Committee agreed to submit the following recommendations to City Council for approval:

- (a) That the City Solicitor be authorized to make application for the increased City's cost by \$20 000 from the previous \$27 657.63 to the Ontario Municipal Board for approval to construct independent concrete sidewalks on Upper Paradise Road between Stone Church Road and Lunner Avenue, as referred to in Section 10 of the Thirteenth Report of the Transport and Environment Committee, at an estimated cost of owner's share of \$92 568, as well as City's share of \$47 657 revised from \$27 657.63 by the issuance of debentures totalling \$140 225 (revised from previous total of \$120 226.63) for a period not to exceed 20 years.
- (b) That application be made to the Regional Municipality of Hamilton-Wentworth to issue debentures in the revised total amount of \$140 225 from previous \$120 225.63 for a term not to exceed 20 years for the above project.

(iv) FINANCING COST OF NOISE ABATEMENT

As outlined in a report of the Treasurer dated 1990 September 27, the Committee agreed to submit the following recommendation to City Council for approval:

That the approximate cost of \$1 000 to investigate and respond to possible noise complaints in connection with McMaster University Homecoming Weekend, as referred to in Section 15 of the Thirteenth Report of the Transport and Environment Committee, be funded by means of an approved overdraft within the accounts of the Pollution Control budget.

(v) SUMMARY OF REVENUES AND EXPENDITURES FOR THE EIGHT MONTHS ENDED 1990 AUGUST 31 COMPARED WITH BUDGET

The Committee received a report of the Treasurer dated 1990 September 26 containing a Summary of Revenues and a Summary of Expenditures by Standing Committees for the period ended 1990 August 31, comparing budget to actual for 1990 and also comparing the current percentage of actual to budget with the previous year's percentage.

(vi) FINAL RELEASE OF HOLDBACK

As outlined in a report of the Treasurer dated 1990 September 27, the Committee approved that the total holdback in the amount of \$7 490 be released to Western Plumbing and Heating for the completion of the contract, P.O. 7515, for Renovations to the Pool Filtration System at Churchill Recreation Centre, pending receipt by the Treasurer of the Standard Release Forms from the contractor and City Solicitor's Department.

F. DIRECTOR OF PROPERTY - PROPOSED PURCHASE OF PRINCESS ELIZABETH SCHOOL, 235 BOWMAN STREET

As outlined in a report of the Director of Property dated 1990 September 21, the Committee agreed to recommend to City Council that the Board of Education be informed that the City of Hamilton and the Municipal Non-Profit (Hamilton) Housing Corporation are not interested in purchasing Princess Elizabeth School.

G. COMMISSIONER OF HUMAN RESOURCES

(i) APPOINTMENTS TO AND TERMINATIONS FROM PERMANENT POSITIONS

As outlined in a report of the Commissioner of Human Resources dated 1990 September 26, the Committee agreed to recommend to City Council that the Appointments To and Terminations from Permanent Positions with the Corporation to 1990 September 25, attached to his report, be approved.

(ii) "RACE AND MULTICULTURAL RELATIONS IN OUR COMMUNITY WORKSHOP"

The Committee received a report from the Commissioner of Human Resources dated 1990 September 27 advising that "Race and Multicultural Relations in Our Community Workshop", sponsored by the Ministry of Municipal Affairs, will be held at the Novotel Hotel in North York, 1990 November 29.

The goal of this Workshop is to increase awareness of race and multicultural relations issues as well as to assist in the development of policies and programs.

REGULAR AGENDA

4. DIRECTOR OF PROPERTY - SALE OF PART OF 2300 BRAMPTON STREET TO REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

As outlined in a report of the Director of Property dated 1990 September 26, the Committee agreed to submit the following recommendation to City Council for approval:

That an Offer to Purchase executed by Regional Officials on 1990 September 25 and scheduled for closing on or before 1990 December 17, for the purchase of part of the property at 2300 Brampton Street, having a frontage along the westerly limit of Nash Road of 92.249 metres (302.65 feet), containing .69 hectare (1.70 acres), for the sum of \$561 225, required for the Freeway Project, be approved and completed, and that this amount be credited to Account No. CH 4X501 00102, Sale of Land - Property Purchases.

5. CITY SOLICITOR - SMOKE ALARMS AND EMERGENCY LIGHTING BY-LAW

The Committee had before it a copy of the Draft By-law requiring apartment buildings to install emergency lighting and smoke alarms. Section 3 was amended to read as follows:

"Every owner of a building containing residential occupancy shall install or cause to be installed one smoke alarm in each dwelling unit and in each sleeping room not within a dwelling unit in accordance with Sections 5 and 6."

Section 9.(2)(a) was amended to read as follows:

- (a) provide illumination for at least the period of time prescribed in the building code for the classification of the building, (Ontario Regulation 419/86, as amended), and"

Alderman Copps was recorded as opposed to both revisions.

Following consideration, the Committee agreed to recommend to City Council that the City Solicitor be authorized and directed to apply to special legislation to implement the Draft By-law as revised requiring apartment buildings to install emergency lighting and smoke alarms.

6. TREASURER

(a) 1991-1995 CAPITAL BUDGET TIMETABLE

The Committee was in receipt of a report of the Treasurer dated 1990 September 26 containing the proposed timetable for preparation and review of the 1991-1995 Capital Budget.

Alderman Ross commented that the City Treasurer should be given strict guidelines and parameters with respect to the preparation of the Capital Budget. He cited that last year the Capital Budget drove the Current Budget.

In discussion the Committee directed the Treasurer to revise the Capital Budget Submission Form to indicate the annual capital financing or carrying charges on each project as well as the total cost of retiring debt.

Following discussion and as outlined in a report of the Treasurer dated 1990 September 26, the Committee agreed to submit the following recommendation to City Council for approval:

That the timetable for preparation and review of the 1991-1995 Capital Budget be as follows:

- (a) Notify departments/boards to prepare their Capital Budget material (this was done by September 26, 1990).
- (b) October 22, 1990 - deadline for returning copies of "Individual Capital Budget Submission" forms to Treasury in order to prepare preliminary Capital Budget.
- (c) Month of October/November departments/boards arrange to have proposed Capital Projects approved by Standing Committees for forwarding to Finance and Administration Committee for consideration to include in Capital Budget.

- (d) November and December 1990 - Treasury monitors and assembles preliminary Capital Budget, prepares financial impacts, etc.
- (e) December 12-14, 1990 - Capital Budget Staff Sub-Committee and Management Team review individual Capital Projects with departments/boards at special meetings.
- (f) January 16 to 18 and if necessary January 24, 1991 - Finance and Administration Committee reviews and recommends 1991-1995 Capital Budget to City Council.
- (g) February 12, 1991 - City Council considers approval of the 1991-1995 Capital Budget.

(b) **1991 CURRENT BUDGET TIMETABLE AND APPROVAL PROCESS**

As outlined in a report of the Treasurer dated 1990 September 28, the Committee agreed to submit the following recommendation to City Council for approval:

That the timetable for preparation and review of the 1991 Current Budget Estimates be as follows:

- (a) Budget call letter along with supporting budget material and forms to be issued to all Departments and Local Boards by October 12, 1990.
- (b) November 6, 1990 (12:00 noon) - Special meeting of Finance and Administration Committee receives overview and clarification of process of the 1991 Current Budget with an invitation to all City Council members (lunch to be provided).
- (c) Deadline for completed budget submissions to be returned to Treasury November 16, 1990.
- (d) November 19 to December 31, 1990 - Treasury monitors, processes and assembles the budgets to ensure compliance of submissions with guidelines; budgets to be reviewed with Department Heads and Manager of Local Boards; Treasury prepares the budgets for review by the Standing Committees.
- (e) January 2 to January 18, 1991 - Current Budget Management Team Sub-Committee to review status of 1991 Current Budget, review and rank all service/program packages and prepare appropriate recommendations for all Finance and Administration Committee overview on January 24, 1991.
- (f) January 24, 1991 - Finance and Administration Committee receives update on Current Budget status and includes an information session on the Current Budget with an invitation to all City Council members to attend.
- (g) February 18 to February 22, 1991 - Standing Committees review and approve their respective budgets which should include acceptance/rejection of any service/program packages. This procedure to take place during regularly scheduled meetings in addition to the regular agenda material and at special meetings called specifically for budgets within this time frame.
- (h) February 28, 1991 - Special Council meeting to rank Committee accepted service/program packages and to determine funding level if necessary.

- (i) March 21, 1991 - Finance and Administration Committee reviews and approves the final estimates and forwards a recommendation concerning the 1991 City mill rates to City Council.
- (j) March 26, 1991 - City Council reviews and approves the 1991 revenues and expenditures based on a calculated mill rate for City services only.
- (k) April 30, 1991 - City Council approves the by-laws establishing the 1991 mill rates for City, Regional and Educational purposes.

(c) **WRITE-OFF OF OUTSTANDING BUSINESS TAXES**

As outlined in a report of the Treasurer dated 1990 September 24, the Committee agreed to submit the following recommendation to City Council for approval:

That outstanding business taxes in the amount of \$108 916.50, as recommended by the Treasurer in a report dated 1990 September 24, be written-off in accordance with Section 495 of The Municipal Act, R.S.O., 1980, and charged to Account CH15401-00001, Tax Write-Offs.

NOTE: A copy of the schedule outlining Outstanding Business Tax Accounts, which are in the opinion of the Treasurer uncollectible, is available from the Secretary of the Finance and Administration Committee for review.

(d) **PROPOSED RESOLUTION RE BUSINESS TAXES**

The Committee was in receipt of a report of the Treasurer dated 1990 September 27 containing the following recommendations:

1. That the following resolution be adopted by City Council and forwarded to the Federation of Canadian Municipalities (F.C.M.) for action:

WHEREAS the present system of municipal taxation of business assessment is costly and difficult to administer; and

WHEREAS under the present legislation, municipalities rank as unsecured creditors with respect to claims for outstanding business taxes in bankruptcies or insolvencies; and

WHEREAS there is no assured collection mechanism or effective recourse for unpaid business taxes, municipalities suffer significant losses in municipal tax revenues through the write-off of uncollectible accounts;

THEREFORE BE IT RESOLVED that the Federation of Canadian Municipalities be requested to petition the Federal Government for an amendment to the Bankruptcy Act which would improve a municipalities present ranking as an unsecured creditor to that of a secured creditor in bankruptcies and insolvencies.

2. That the following resolution be adopted by City Council and forwarded for endorsement to all municipalities in the Province of Ontario with populations in excess of 50,000 and that this resolution also be forwarded to the Association of Municipalities of Ontario (A.M.O.) for action.

WHEREAS the present system of municipal taxation of business assessment is costly and difficult to administer ; and

WHEREAS under the present legislation municipalities rank as unsecured creditors with respect to claims for outstanding business taxes in bankruptcies or insolvencies; and

WHEREAS there is no assured collection mechanism or effective recourse for unpaid business taxes, municipalities suffer significant losses in municipal tax revenues through the write off of uncollectible accounts;

THEREFORE BE IT RESOLVED that the Province of Ontario, through the Association of Municipalities of Ontario, be requested to abolish the current business tax assessment system and replace it with a system which would be less costly to administer and provide municipalities with the same recourse for collection as that afforded realty taxes.

Following consideration the Committee directed that the report be received with no further action.

(e) TAX APPLICATIONS PROCESSED UNDER SECTION 496(a) OF THE MUNICIPAL ACT

As outlined in a report of the Supervisor of Taxation dated 1990 September 13, the Committee agreed to submit the following recommendation to City Council for approval:

That realty and business tax applications processed under Section 496(a) of The Municipal Act in accordance with Bill 59 (Municipal Act Amendment) Chapter 31 Statutes of Ontario, 1988 in the amount of \$16 888.95, as shown in Appendix "C" attached hereto, be approved and charged to CH53307-24104 Tax Remissions.

7. DISASTER RELIEF FUNDS

On the recommendation of Alderman Ross, the Committee agreed to recommend to City Council that it reaffirm the following policy with respect to requests for donations to various disaster relief funds:

"That City staff be authorized to refer requests for donations for assistance, in kind or financially, to disaster relief funds to the Regional Municipality of Hamilton-Wentworth for its consideration."

8. 1990 ONTARIO NON-PROFIT HOUSING ASSOCIATION CONFERENCE, NOVEMBER 6-9, 1990, HAMILTON

As outlined in a report of the General Manager of the Municipal Non-Profit (Hamilton) Housing Corporation, dated 1990 September 21, the Committee agreed to submit the following recommendations to City Council for approval:

- (a) That an amount of \$7 700 be provided for civic hospitality during the Ontario Non-Profit Housing Association Conference to be held in the City of Hamilton at the Hamilton Convention Centre from 1990 November 6 -9.
- (b) That this expenditure be charged to Hosting of Conferences with Municipal Subject Content Account No. CH 55307 80040.

Aldermen Copps and Jackson were recorded as opposed.

Alderman Hinkley declared a potential conflict of interest and refrained from voting on this matter.

9. UNAUTHORIZED DUMPING OF DEBRIS BY TRUCKERS

As recommended by Alderman Agostino, the Committee agreed to submit the following recommendation to City Council for approval:

That the Ministry of Transport be petitioned to consider the implementation of licence suspension as part of the penalty for unauthorized dumping of rubble and debris by truckers in the City of Hamilton.

10. ILLUMINATED ROOF SIGNS FOR TAXI CABS

The Committee had before it a copy of a report from the Taxi Advisory Committee dated 1990 September 12 recommending that the Licensing By-law, as amended, be further amended to provide for rooftop advertising on taxi cabs.

The question was raised as to whether or not the By-law can stipulate that alcohol and tobacco advertising will be prohibited.

The Committee agreed to table this matter pending receipt of a report from the Manager of Licensing on restricted advertising.

11. DELEGATIONS

(a) CONVENTION/RECEPTION GRANT APPEAL - ONTARIO MUSIC EDUCATORS ASSOCIATION

The Committee had before it a report from the Grants Co-ordinator dated 1990 September 27 advising that the Ontario Music Educators Association Inc. submitted a Convention/Reception Grant application for their upcoming Hamilton Conference November 15-17, 1990 in the amount of \$5 000. In accordance with the policy the Grants Review Group recommended the maximum amount allowed of \$1 500. The applicant has requested an appeal of this grant.

Mr. Roger Beatty, President, Ontario Music Educators Association, was in attendance and requested that the City approve a grant in the amount of \$5 000 to be used to provide a wine and cheese social under the sponsorship of the City of Hamilton.

After taking the appeal under advisement, the Committee agreed to recommend to City Council that the appeal be denied and that the maximum amount allowed of \$1 500 be approved.

(b) HEIRLOOM PUBLISHING INC.

Mr. Paul R. Hultslander, Director of Sales, Heirloom Publishing Inc., appeared before the Committee requesting that the City consider the possibility of purchasing pages of space at the rate of \$5 500 per page in the "Corporation Signatures" Chapter of their new publication "ALLEGIANCE: The Ontario Story". The space purchased would be used to provide a historical profile on the City of Hamilton.

After taking the presentation under advisement, the Committee directed that no further action be taken.

12. **H.S.P.C.A. RE PERFORMING WILD ANIMALS**

The Committee had before it a report of the Board of Directors of the H.S.P.C.A., dated 1990 September 10, recommending that the following resolution be approved:

WHEREAS, the living conditions, transportation, housing, and care of Performing Wild Animals in Circuses, in the City of Hamilton have been observed as being inappropriate or deficient with regard to the well being of the animals, and

WHEREAS, such Animal Performances, which are by their nature transient, cannot be effectively regulated, or policed in a manner which ensures the appropriate treatment of animals, and

WHEREAS, The Hamilton SPCA is opposed to the use of Wild Animals in Circuses, in concert with The Canadian Federation of Humane Societies, The Ontario Humane Society, and other animal welfare groups throughout North America,

It is recommended that, The Corporation of the City of Hamilton be requested to prohibit the use of Performing Wild Animals in Circuses within those facilities owned by the City of Hamilton, and to take whatever action may be appropriate to discourage the use of Performing Wild Animals in Circuses at privately held facilities within City boundaries.

Mr. Cam Stableford, General Manager of the H.S.P.C.A., was in attendance and submitted that the information collected by the H.S.P.C.A. on the living conditions, transportation, housing and care of the performing wild animals in circuses is factual and correct. He also stated that the request to prohibit the use of performing wild animals in circuses is endorsed and supported by the Canadian and American Federation of Human Societies.

Alderman Cooke commented that people in general are changing their level of tolerance for animal abuse.

Following considerable discussion, it was moved by Alderman Gallagher, seconded by Alderman Jackson, and carried, that the resolution outlined in the report of Mr. Stableford, dated 1990 September 11, be referred back, and that the Board of Directors of the H.S.P.C.A. be requested to develop a set of strict guidelines for the humane care of performing wild animals in circuses for submission to the Finance and Administration Committee and City Council for approval, and once approved, any circus which does not meet or comply with the City's criteria outlined in the guidelines will not be permitted to use City-owned facilities.

Recorded vote: In favour of referral: Aldermen Gallagher, Jackson, Copps, and Ross. Opposed: Aldermen Cooke, Agostino.

13. **ESTABLISHMENT OF AN ENGLISH SUB-COMMITTEE**

The Committee was in receipt of a letter from the Alliance for the Preservation of English in Canada, Hamilton Branch, dated 1990 September 5, recommending that an English Sub-Committee be set up to have as equal a status as the French Sub-Committee which was presented to City Council at its meeting held 1990 September 25 and referred to the Finance and Administration Committee for its consideration.

Following discussion, the Committee agreed to recommend to City Council that an English Sub-Committee be set up to represent Hamilton's anglophone community, and that any further requests for the establishment of a language sub-committee from community organizations or groups with a representative population in the City of Hamilton of 2 500 or more be approved.

14. IN-CAMERA AGENDA

The Committee retired to meet in-camera to discuss private and confidential reports of the City Solicitor regarding Settlements of Claims.

Reconvening in open session, the Committee agreed to submit the following recommendations to City Council for approval as recommended by the City Solicitor in various reports:

1. (a) That the City resolve Ontario Court of Justice (General Division) Action No. 9820/87 by the payment, to the Plaintiff, Florence French, of \$2 000 inclusive of damages, interest and costs.
- (b) That the Plaintiff be required to execute a Full and Final Release satisfactory to the City Solicitor.
- (c) That the Action, and all Cross-claims, be dismissed without costs.
2. (a) That the City of Hamilton resolve Ontario Court of Justice (General Division) Action No. 4229/88 by the payment, to the Plaintiffs, Rachele and Leonardo Rogano, of \$3 500 inclusive of all damages, interest and costs.
- (b) That the Plaintiffs be required to execute a Release satisfactory to the City Solicitor.
- (c) That Ontario Court of Justice (General Division) Action No. 4229/88 be dismissed without costs.
3. That the City of Hamilton agree to participate in a joint Offer to Settle on behalf of all Defendants in Ontario Court of Justice (General Division) Action No. 9561/87 and, if the Offer is accepted, to pay one-quarter of the total costs of the Offer. This Offer to Settle to be in the following terms:
 - (a) The said Defendants will pay to the Plaintiff, Bette Ferrara, general damages in the amount of \$12 000.
 - (b) The said Defendants will pay to the Plaintiff, Vincent Ferrara, damages pursuant to the Family Law Act in the amount of \$1 200.
 - (c) The said Defendants will pay to the Plaintiffs prejudgment interest calculated in accordance with the Courts of Justice Act.
 - (d) The said Defendants will pay to the Plaintiffs their costs to be agreed upon or, if agreement is not possible, as assessed by an assessment officer on a party and party basis to the date of this Offer to Settle.
 - (e) Both Plaintiffs will provide the said Defendants with Full and Final Releases.

- (f) If this Offer to Settle is accepted after November 15th, 1990, the Plaintiffs will pay the said Defendants their party and party costs from the date of this Offer to Settle to the date of acceptance in an amount to be agreed upon by the parties or as assessed by an assessment officer.
- 4. (a) That the City of Hamilton not accept the Third Party, Zurich Insurance Company's Offer to Settle Ontario Court of Justice (General Division) Action No. 2473/83, dated September 27th, 1990.
- (b) That the City Solicitor be instructed to defend the Third Party's Motion to Dismiss the Action, and if successful, to List the Matter for Trial as soon as possible.

The meeting then adjourned.

Taken as read and approved,

**ALDERMAN B. HINKLEY, CHAIRMAN
FINANCE & ADMINISTRATION COMMITTEE**

**John Thompson, Secretary
Finance and Administration**

B(i)

CITY OF HAMILTON
- RECOMMENDATION -

OCT 02 1990

DATE: 1990 October 1

REPORT TO: Mr. J. D. Thompson, Secretary
Finance and Administration Committee


FROM: Mr. T. Bradley
Manager of Purchasing

SUBJECT: PURCHASE OF ONE (1) STATIONARY STEAM
PRESSURE WASHER, FLEET SERVICES

RECOMMENDATION:

That a purchase order be issued to BBS Equipment Sales Ltd., Downsview, in the amount of \$10 561.60 for the purchase of one (1) Stationary Steam Pressure Washer for Fleet Services, including one year service contract, in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation.

NOTE: Lowest of two (2) quotations received. Funds provided in Operating Equipment Account #CF5500 609051014.


T. Bradley, Manager of Purchasing

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:
N/A

BACKGROUND: Quotation Analysis

BBS Equipment Sales Ltd., Downsview	\$10 561.60
Hotsy Pressure Washer Ltd., Cambridge	11 264.40

Seven suppliers were requested to bid. Three declined and two did not respond.

B(ii)

CITY OF HAMILTON
- RECOMMENDATION -

OCT 09 1990

DATE: 1990 October 9

REPORT TO: Mr. J. D. Thompson, Secretary
Finance and Administration Committee

FROM: Mr. T. Bradley
Manager of Purchasing

SUBJECT: SUPPLY AND DELIVERY OF ANTI-FREEZE, CITY
GARAGE

RECOMMENDATION:

That a purchase order be issued to Stanchem, A business unit of ICI Canada Inc., Etobicoke, in the amount of \$12 342.78, to supply and deliver one tank wagon, approximately 9 500 litres of anti-freeze, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Only tender received. Funds provided in Lubricants Account #CH56204 27005.



T. Bradley, Manager of Purchasing

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:
N/A

BACKGROUND:

This tender was advertised and eight suppliers requested to bid. Five declined and two did not respond.

B(iii)

CITY OF HAMILTON

- RECOMMENDATION -

OCT 10 1990

DATE: 1990 October 9

REPORT TO: Mr. J. D. Thompson, Secretary
Finance and Administration Committee

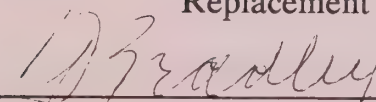
FROM: Mr. T. Bradley
Manager of Purchasing

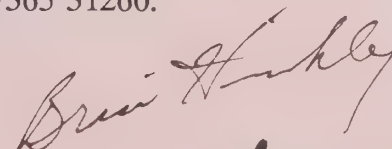
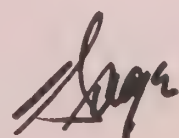
SUBJECT: WINDOW REPLACEMENT, CENTRAL MEMORIAL
RECREATION CENTRE

RECOMMENDATION:

- a) That a purchase order be issued to A City Glass (1989) Inc., Hamilton, in the amount of \$11 525 for the replacement of windows at the Central Memorial Recreation Centre, in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation.
- b) As these are exterior windows and should be replaced before the cold weather, the above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy, that states "An order can be placed upon the approval of two of the following: the Mayor, an appropriate Committee Chairman, the C.A.O. and that any action taken under this provision to be reported to the next regular meeting of City Council".

NOTE: Lowest of seven (7) quotations received. Funds provided in Windows/Frame Replacement Central Memorial Account #CH57365 31260.


T. Bradley, Manager of Purchasing

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:
N/A

BACKGROUND: Quotation Analysis

A City Glass, Hamilton	\$11 525
AFG Glass Centre, Hamilton	12 125
Mount Hope Contracting, Hamilton	12 899
Lloyd's Glass Ltd., Hamilton	14 830
Barton Glass Inc., Hamilton	15 275
Bath & Sons Glass Ltd., Hamilton	19 910

OK
LS

B(iv)

CITY OF HAMILTON
- RECOMMENDATION -

OCT 12 1990

DATE: 1990 October 11

REPORT TO: Mr. J. D. Thompson, Secretary
Finance and Administration Committee

FROM: Mr. T. Bradley
Manager of Purchasing

SUBJECT: REPLACEMENT OF TWO (2) 1/2 TON PICKUP
TRUCKS, UNITS #9318/22, FLEET SERVICES

RECOMMENDATION:

That a purchase order be issued to Johnston Motor Sales, Hamilton, in the amount of \$32 801.04 for the replacement of two (2) 1/2 ton Pickup Trucks, Units #9318/22 for Fleet Services, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest of six (6) tenders received. Funds provided in Reserve for Replacement of Mobile Equipment Account #CH5X503 00101.


T. Bradley, Manager of Purchasing

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:
N/A

BACKGROUND: Tender Analysis

Johnston Motor Sales, Hamilton	\$32 801.04
Queenston Chev Olds, Hamilton	33 323.40
Robert Slessor Motors, Grimsby	34 477.00
Nethercott Chev Olds, Hamilton	34 542.56
Carter GM Trucks, Hamilton	34 648.46
Holland Chev Olds, Burlington	35 781.10

This tender was advertised and nineteen suppliers requested to bid. Thirteen did not respond. The two units being replaced will be disposed of at a future auction.

B. (✓)

CITY OF HAMILTON
- RECOMMENDATION -

OCT 12 1990

DATE: 1990 October 11

REPORT TO: Mr. J. D. Thompson, Secretary
Finance and Administration Committee

FROM: Mr. T. Bradley
Manager of Purchasing

SUBJECT: PURCHASE OF TWO (2) ELEPHANT VACS, FLEET
SERVICES

RECOMMENDATION:

That a purchase order be issued to G. C. Duke Equipment Ltd., Burlington, in the amount of \$19 429.20 for the purchase of two (2) Elephant Vacs for Fleet Services, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Only tender received. Funds provided in Flushers, Vacalls, Vacuums Account #CF5500 609051014.



T. Bradley, Manager of Purchasing

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:
N/A

BACKGROUND:

This tender was advertised and the two known suppliers of this type of equipment requested to bid.

B(vi)

CITY OF HAMILTON
- RECOMMENDATION -

OCT 18 1990

DATE: 1990 October 18

REPORT TO: Mr. J. D. Thompson, Secretary
Finance and Administration Committee


FROM: Mr. T. Bradley
Manager of Purchasing

SUBJECT: PURCHASE OF ONE (1) 1991 MID SIZE 4 DOOR
SEDAN, CITY GARAGE

RECOMMENDATION:

That a purchase order be issued to Maurice Carter Chevrolet Oldsmobile (1990) Limited, Hamilton, in the amount of \$14 441.95 for the purchase of One (1) 1991 Mid Size 4 Door Sedan for the City Garage, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest of nine (9) tenders received. Funds provided in Operating Equipment By-Law Section Account #CH58005 75020.



T. Bradley, Manager of Purchasing

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:
N/A

BACKGROUND: Tender Analysis

Maurice Carter Chevrolet Oldsmobile (1990) Limited, Hamilton	\$14 441.95
Queenston Chev Olds, Hamilton	15 077.53
Holland Chev Olds, Burlington	15 380.30
Taylor Chrysler Dodge, Hamilton	16 147.82
Nethercott Chev Olds Ltd., Hamilton	16 290.91
Johnston Motor Sales, Hamilton	16 335.78
Eastgate Ford Sales, Hamilton	16 893.68
Slessor Pontiac Buick Inc., Grimsby	16 779.73
Airport Lincoln Mercury, Mount Hope	18 163.11

C (i)

CITY OF HAMILTON
- RECOMMENDATION -

OCT 18 1990

DATE: 1990 October 16

REPORT TO: Mr. J. D. Thompson, Secretary
Finance and Administration Committee

FROM: Mr. J. J. Schatz
Deputy City Clerk

SUBJECT: Annual Children's Christmas Party, Local 167

RECOMMENDATION:

That permission be granted to the Canadian Union of Public Employees, Local 167, to use the lobby and foyer areas of City Hall on Sunday, 1990 December 16 from 1:00 p.m. to 4:00 p.m. for their Annual Children's Christmas Party.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

This is an annual event at City Hall.

cc: Mayor's Office
Mr. R. Swan, Manager, Property Maintenance Department
Mrs. R. Morrison, City Clerk's Office
Information Desk
File

C(ii)

CITY OF HAMILTON
- RECOMMENDATION -

OCT 18 1990

DATE: 1990 October 16

REPORT TO: Mr. J. D. Thompson, Secretary
Finance and Administration Committee

FROM: Mr. J. J. Schatz
Deputy City Clerk

SUBJECT: Flying of the Latvian Flag at City Hall

RECOMMENDATION:

That the request of the Latvian Society of Hamilton to fly the Latvian Flag at City Hall from 1990 November 14 to November 21 during the Latvian Independence Day celebrations be granted.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

cc: Mayor's Office
R. Swan, Manager, Property Maintenance Department
file

D.

CITY OF HAMILTON

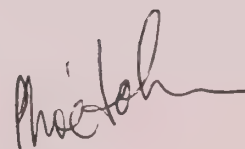
- INFORMATION -

OCT 09 1990

DATE: 1990 October 9

REPORT TO: Mr. J. D. Thompson, Secretary
Finance and Administration Committee

FROM: Ms. P. Noé Johnson
City Solicitor



SUBJECT: NIMLO Annual Conference
Boston, Massachusetts - September 23 - 27, 1990

BACKGROUND: NIMLO is the National Institute of Municipal Law Offices. This year Dennis Perlin, City Solicitor for the City of Toronto is a Trustee on the NIMLO Board of Directors and John Basey, City Solicitor for the City of Edmonton is the Regional Representative. I was appointed to the NIMLO International Law Committee, the primary role of which is to educate its members on the practice of local government law in other countries and to establish an international network for municipal lawyers.

NIMLO provides a unique opportunity for information gathering specifically for municipal counsel. NIMLO has a full time Canadian staff lawyer to assist all Canadian municipal law offices. It provides a bank of information of sample bylaws, unreported cases etc. Some of the areas of interest to this Municipality are illustrated in the following review of the particular seminars at the 1990 Conference.

DISCUSSION: On the first day, each section held a seminar on topics specifically relevant. The Canadian Section presented the following papers:

"General Conditions for Construction Contracts: Preventative Law"

- LL Kerr, City of Winnipeg. (This topic addressed the use of the Construction contracts in a positive vein as the most crucial risk management tool available to a Municipality, and discounted reliance on standard industry formats such as the CCDC)

"Municipal Liability in the Enforcement of Building Codes and Standards"

- KJ Reschke, City of Edmonton (discussion focused on the high standard of care for Building inspectors)

"The Charter and Cities: New Grounds for Attacking By-laws"

- J Estabrook, Canadian Staff Attorney (specifically a reaction to the recent Winnipeg case on zoning a second level lodging home; counsel for the City of Winnipeg was present and added insight into the position of the defense.)

"Affordable Housing in Ontario - Two Major Elements at the Municipal Level"

-DY Perlin, City of Toronto (Time did not allow for an oral presentation. The paper put forth the Provincial Policy paper on Affordable Housing, and the Rental Housing Protection Act)

E. (ii)

CITY OF HAMILTON
- RECOMMENDATION -

OCT 18 1990

DATE: 1990 October 16

REPORT TO: Mr. J. D. Thompson, Secretary
Finance and Administration Committee

FROM: Mr. J. Johnston
Commissioner, Human Resources

SUBJECT: Staffing Classifications - Traffic Department

RECOMMENDATION:

That the salary classifications for the following non-union positions in the Traffic Department be approved in accordance with the recommendation made by Core Group at its meeting of October 9, 1990.

<u>POSITION TITLE:</u>	<u>FUNCTION:</u>	<u>GRADE:</u>	<u>SALARY:</u>
Mgr. Community Traffic Services	Manage the Legislative, School Crossing and Parking Control Sections of the Traffic Department.	"I"	\$50,472.24 \$59,471.88
Parking Control & Prosecution Co-ordinator	Administer the Parking Control and Prosecution Divisions and Prosecute by-law infractions.	"L"	\$39,040.04 \$45,972.16
Parking Services Prosecutor (New Position)	Attend court and prosecute parking violations.	"N"	\$33,932.08 \$40,013.48


John Johnston

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

n/a

...2...

BACKGROUND:

Reorganization of the Traffic Department was approved by City Council on June 26, 1990.

This reorganization resulted in the integration of the Parking Control, Legislative and School Traffic sections into one division, headed by the Manager, Community Traffic Services. It was felt that as one section, under one manager, duplication of various community services would be eliminated and a better standard of services would be provided.

As a result of this reorganization, a new position of Parking Services Prosecutor was created and the other two positions reclassified.

E. (iii)

CITY OF HAMILTON

- RECOMMENDATION -

OCT 18 1990

DATE: 1990 October 4

REPORT TO: Mr. J. D. Thompson, Secretary
Finance and Administration Committee

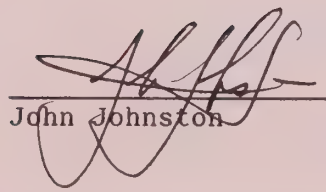
FROM: John Johnston
Commissioner of Human Resources

SUBJECT: Restructuring - Inspection Division of Building Department

RECOMMENDATION:

That the salary classification for the following non-union position in the Building Department be approved in accordance with Section 13 of the 16th Report of the Planning & Development Committee adopted by Council on September 25, 1990.

<u>POSITION TITLE</u>	<u>FUNCTION</u>	<u>GRADE</u>	<u>SALARY</u>
Supervisor of Inspection Services	To assist the Manager of Inspections in the provision of a living and working environment free of structural, safety, health and fire hazards and other nuisances through adequate control and maintenance for the citizens of Hamilton.	K	\$42,566.68 - \$50,107.20


John Johnston

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The financial impact for the two new Supervisor of Inspection Services positions is being met through the Department's general operating budget and the Department intends to remain within the present staffing allocation.

BACKGROUND:

At its meeting of September 19, 1990 the Planning and Development Committee approved a reorganization of the Inspection Section of the Building Department. This reorganization resulted in the deletion of eight Senior Building Inspector positions, the creation of two Supervisor of Inspection Services and the re-evaluation of the Supervisor of Buildings Standards (formerly Assistant Manager of Inspections).

F. (i)

CITY OF HAMILTON
- RECOMMENDATION -

OCT 10 1990

DATE: 1990 October 9

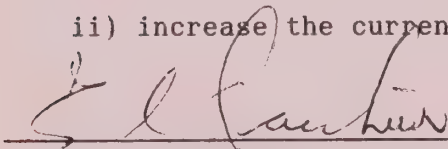
REPORT TO: Mr. J. D. Thompson, Secretary
Finance and Administration Committee

FROM: Mr. E. C. Matthews
Treasurer

SUBJECT: CANADA PENSION PLAN REDUCTION
COUNCILLORS SUPPLEMENTARY PENSION PLAN

RECOMMENDATION:

- a) That the Councillors Supplementary Pension Plan (to the OMERS Plan) be amended to exclude the reduction applied for Canada Pension Plan Benefits to enhance the final pension calculation.
- b) That this change to the Plan be financed -
 - i) by a lump sum payment of \$50,000 to be charged to the Reserve for Contingency;
 - ii) increase the current budget estimate in 1991 to \$37,000.


E. C. Matthews

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Lump sum payment of \$50,000 and an increase to the annual budget allotment of \$18,900 from \$18,100 to \$37,000.

BACKGROUND:

This report is presented at the suggestion of Alderman H. Merling who has discussed this issue with other members of Council.

Present calculation provides for a benefit based on 2% times number of years service (maximum 35) times the average highest salary for 3 consecutive years, less any benefits received from OMERS and C.P.P. After the reduction for C.P.P. and OMERS is applied, the supplementary benefit could be reduced to \$0. The OMERS Pension is already integrated with C.P.P. The C.P.P. benefit incorporates all years since 1966 and is not restricted to earnings as Mayor or an Alderman but rather includes all earnings which are subject to C.P.P. contributions.

c.c. Alderman H. Merling

F. (iii)

CITY OF HAMILTON

- INFORMATION -

OCT 12 1990

DATE: 1990 October 11

REPORT TO: Mr. J. D. Thompson, Secretary
Finance and Administration Committee

FROM: Mr. E. C. Matthews
Treasurer

SUBJECT: STATUS OF HOSTING, RECEPTIONS AND RELATED ACCOUNTS
AS AT October 19, 1990

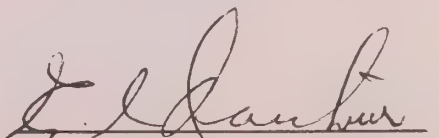
BACKGROUND:

Attached are the following analyses of accounts related to hostings and receptions as at October 19, 1990:

Account CH 55307-80040 - Hostings of Conference with Municipal Subject Content
Account CH 55313-84010 - Receptions - City Hall
Account CH 55314-84010 - Special Civic Receptions and Delegation Hosting
Account CH 56126-84010 - Civic Pins, Medals and Rings
Account CH 55222-10034 - Use of City Hall - Outside Groups

These accounts are forwarded to this Committee on a monthly basis for the information of the members.

Please note that the net position of these accounts are in an overdraft situation, thus restraint should be exercised until the end of the year.


E. C. Matthews, Treasurer

Attach.

City of Hamilton
HOSTING OF CONFERENCES WITH MUNICIPAL SUBJECT CONTENT
Account CH 55307 80040
for the period ended October 19, 1990

COUNCIL MEETING	DESCRIPTION	AMOUNT \$	TOTAL \$
-----	-----	-----	-----
90/02/13	OBIAA Conference	3,570.71	
90/04/24	Purchasing Mgt Assoc of Cda, Ham District	5,000.00	
90/05/29	North American Dobis Users Group	700.00	
90/05/29	Ontario Building Officials Assoc annual meeting	5,000.00	
90/05/29	Institutional and Municipal Parking Congress Conference	1,850.00	
90/06/26	1990 Canadian Museum Association Conference	1,126.68	
90/06/26	The Ontario Plumbing Inspectors' Association	2,000.00	

	Total Actual Expended to Date		19,247.39
	ADD: Commitments		
90/02/13	OBIAA Conference	2,079.29	
90/05/29	National Safety Conference	500.00	
90/05/29	Institutional and Municipal Parking Congress Conference	1,600.00	
90/06/26	1990 Canadian Museum Association Conference	23.32	
90/10/09	Non-Profit Housing Conference	7,700.00	

	Total Committed		11,902.61
	Adjusted Total		31,150.00
	LESS: Appropriation		35,000.00

	SURPLUS (DEFICIT)		3,850.00
			=====

City of Hamilton
SPECIAL CIVIC RECEPTIONS AND DELEGATION HOSTING
Account CH 55314 84010
for the period ended October 19, 1990

COUNCIL MEETING	DESCRIPTION	AMOUNT \$	TOTAL \$
-----	-----	-----	-----
89/11/28	C.F.L. Draft	5,901.19	
	Soviet Delegation	6,706.90	
	Memorial Cup Championship	20,000.00	
90/03/13	Arts & Cities Ontario Caucus	858.34	
90/03/13	Choralfest '90 Concert	2,727.00	
90/03/13	Challenges for International Broadcasting Conferences	1,054.07	
90/03/13	50th Anniversary Celebrations	821.85	
90/03/27	Ontario Bantam Hockey Championship	4,500.00	
90/03/27	President of Parliament in Abruzzi	891.60	
	U.S.S.R. Exchange Program	378.65	
90/03/27	Air Show Reception	4,500.00	
	Receptions-Italian Delegations	5,806.15	

	Total Actual Expenditures		54,145.75
	ADD: Commitments		
90/03/13	Arts & Cities Ontario Caucus	341.66	
90/03/13	50th Anniversary Celebrations	478.15	
90/09/25	1991 Fit Trek	1,000.00	
90/06/13	Superior Printer (P.O. 008313)	154.45	

	Total Committed		1,974.26
	Adjusted Total		56,120.01
	LESS: Appropriation		48,000.00

	SURPLUS (DEFICIT)		(8,120.01)
			=====

City of Hamilton
 RECEPTIONS - CITY HALL
 Account CH 55313 84010
 for the period ended October 19, 1990

REFERENCE NUMBER	DATE	DESCRIPTION	AMOUNT \$
101350	90/02/23	Visit of the Honourable Greg Sorbara	50.76
101646	90/02/28	Proclamation-Single Parent Week	21.38
101646	90/02/28	Visit of Jamaican Consul General	30.24
100904	90/02/16	Reception for Delegation from U.S.S.R.	37.53
100904	90/02/16	Meeting with Mr. Myrnick	14.04
100904	90/02/16	Visit of the Honourable Shirley Martin	53.46
100904	90/02/16	Visit of D. Vivian & J. Awad at Sheraton	50.87
100904	90/02/16	Press Conference-Lily Munro	65.07
100904	90/02/16	Proclamation-National Non-Smoking Week	130.46
100904	90/02/16	Meeting Re: St. Joseph's Hospital	21.06
100904	90/02/16	Proclamation-Ukrainian Canadian Independence	445.50
100904	90/02/16	H.P.O. Meeting	17.01
100904	90/02/16	I.O.D.E. Proclamation	48.06
102523	90/03/23	Proclamation-Kidney Foundation Month	10.80
102523	90/03/23	Proclamation-International Food Service Week	8.10
102523	90/03/23	Visit of the Honourable John Corbiel	9.72
102523	90/03/23	Visit of Mr. Bob Wong	29.97
102523	90/03/23	Soviet Visitors	26.73
102624	90/03/23	A&B Catering	80.00
103011	90/03/30	Reception-Boy Scouts from St. Giles	4.54
103011	90/03/30	Reception for Doris Skorpido	88.83
104343	90/04/13	Dutch Culture & Heritage Meeting	14.04
104601	90/04/20	Arts & the Cities - Mayor's Reception	119.88
104601	90/04/20	Civic Ceremony	109.62
104601	90/04/20	Reception for R.H.L.I. Cadets from England	62.91
104601	90/04/20	Science Day Proclamation	51.30
104601	90/04/20	School Children - Mayor's Reception	22.68
105349	90/05/04	The Honourable Doug Lewis	39.15
105349	90/05/04	Meeting with CUPE re: day of mourning	21.81
105349	90/05/04	Interview with editor of Hamilton Journal	10.85
105864	90/05/08	Day of Mourning Ceremony	1,261.66
105864	90/05/08	Proclamation-M. S. Carnation Month	43.52
105864	90/05/08	Proclamation-Schizophrenia Awareness Week	18.79
106876	90/05/17	Proclamation-Catholic Women's League Week	75.27
106876	90/05/17	Mayor's Office-various	61.77
108139	90/05/25	Press Conference-"Just Phone" Committee of Inquiry	98.28
108139	90/05/23	Visit of School Children	25.92
108139	90/05/25	Media Reception	53.46
108139	90/05/24	Visit of Korean Consul General	8.61
108139	90/05/23	Dutch Culture Feasibility Study	21.06
108900	90/06/12	Meeting with Board of Education Officials	19.60
108900	90/06/12	Proclamation-St. Peter's Hospital Week	21.38
108900	90/06/12	Boy Scouts/Girl Guides	22.46
110135	90/06/26	Proclamation-Philippine Day	291.60

City of Hamilton
 RECEPTIONS - CITY HALL
 Account CH 55313 84010
 for the period ended October 19, 1990

REFERENCE NUMBER	DATE	DESCRIPTION	AMOUNT \$
110135	90/06/26	Proclamation-Shiela Copps Day	264.60
110135	90/06/26	Civic Welcome-Vice Mayor & Councillor from Italy	226.53
110135	90/06/26	Proclamation-Management Week	27.37
110135	90/06/26	Meeting with members of Provincial Legislature	370.17
111053	90/07/05	Proclamation - "JUST SAY NO" Week	19.98
113162	90/07/30	Ukrainian Guests	28.72
113162	90/07/30	Ward 3 Citizens for Citizenship Meeting	8.42
113298	90/08/03	Aldermen	12.96
113608	90/08/09	Visit of IOC Delegation	21.87
114004	90/08/14	Proclamation Re: Nagasaki Day	151.20
114495	90/08/21	Press Conference-Mayor of Flint	35.10
114495	90/08/21	Reception-Bernice Price & Neighbours	28.08
114495	90/08/21	Japanese Delegation	27.00
114495	90/08/21	Don Eperson's 90th Birthday	21.06
114495	90/08/21	Red Birds Press Conference	10.53
115041	90/08/28	Korean Delegation	43.30
115840	90/09/06	Reception-Alderman John Smith	535.11
115840	90/09/06	Reception-Hamilton Students for Wilfred Laurier	223.02
115840	90/09/06	Visiting Students from Italy	90.18
115840	90/09/06	Press Conference	35.64
115840	90/09/06	Arts and the Cities Meetings	12.96
117523	90/09/28	Reception for Foggia Delegation	385.56
117523	90/09/28	Shinerama Proclamation	64.74
117916	90/10/02	Reception for Alderman David Christopherson	627.16
118121	90/10/02	Flowers for Alderman Christopherson Reception	68.58
117912	90/10/02	Royal Canadian Legion Proclamation	26.73
117912	90/10/02	Delegation from Fukiyama, Japan	191.86
118804	90/10/16	Welcome for Italian Veterans Group	251.64
118804	90/10/16	UNICEF - World Summit Day for Children	168.48
118804	90/10/16	MWE Meeting with Mr. McGhir	28.35
118804	90/10/16	Visit to Hamilton of Mayor Karen George	28.30
Total Expended to date			7,754.98
LESS: Appropriation			8,000.00
SURPLUS (DEFICIT)			245.02

City of Hamilton
USE OF CITY HALL-OUTSIDE GROUPS
Account CH 55222 10034
for the period ended October 19, 1990

REFERENCE NUMBER	DATE	DESCRIPTION	AMOUNT \$
JV01031	90/01/31	Ukranian Proclamation-Overtime for M. Langille	99.64
JV03043	90/03/02	Special Meeting-Overtime for S. Vickers	185.70
103294	90/03/30	City Hall Tours	110.00
JV04099	90/04/11	Distribution of Overtime for various depts	55.71
JV04293	90/04/27	Earth Day-Overtime for M. Langille	198.08
JV05068	90/05/09	Distribution of Overtime for various depts	501.39
JV05249	90/05/25	Boy Scouts Parade-Overtime for M. Langille	185.70
JV06056	90/06/08	Veterans Day Parade-Overtime for M. Langille	129.99
JV06130	90/06/12	Erect/dismantle reviewing stand-Boy Scout Parade	579.50
JV06257	90/06/22	Veterans Day Parade-Overtime for M. Langille	105.23
JV10130	90/10/15	Erect/dismantle reviewing stand-Labour Day Parade	733.18
Total Expended to date			2,884.12
LESS: Appropriation			3,660.00
SURPLUS (DEFICIT)			775.88

City of Hamilton
CIVIC PINS, MEDALS AND RINGS
Account CH 56126 84010
for the period ended October 19, 1990

DATE	DESCRIPTION	AMOUNT \$
90/04/17	10K Man's Ring	4,310.13
90/04/17	10K Man's Ring and Box	2,286.69
90/04/17	5PT 'C' Diamond and Genuine Ruby Ring	167.40
90/04/10	5PT 'C' Diamond and Genuine Ruby Ring	255.96
Various	City Clerk's Civic Awards	(870.73)
90/06/26	10K Man's Ring	3,828.66
90/06/26	10K Man's Ring with box	386.10
Various	Canusa Games Civic Awards	(316.17)
90/08/09	10K Man's Ring	326.43
90/09/14	Genuine Ruby in White Collet	45.90
90/10/05	10K Lady's Civic Ring	597.03
	Total Expended to date	11,017.40
	Add: Commitments	
90/09/10	Jostens Canada (P.O. 005631)	2,889.00
	Adjusted Total	13,906.40
	Less: Appropriation	11,000.00
	SURPLUS (DEFICIT)	(2,906.40)

F (iii)

CITY OF HAMILTON

- INFORMATION -

OCT 12 1990

DATE: 1990 October 11

REPORT TO: Mr. J. D. Thompson, Secretary
Finance and Administration Committee

FROM: Mr. E. C. Matthews
Treasurer

SUBJECT: STATUS OF UNCLASSIFIED REVENUE AND EXPENDITURES
AS AT SEPTEMBER 30, 1990

BACKGROUND:

Attached are the analyses of the Unclassified Revenue account and the Unclassified Expenditures account as at September 30, 1990.

These accounts are forwarded to this Committee on a monthly basis for the information of the members.


E. C. Matthews, Treasurer

Attach.

CITY OF HAMILTON
TREASURY

UNCLASSIFIED REVENUE
AS AT SEPTEMBER, 30, 1990

CENTRE NUMBER: CH 24201
Appropriation: \$ 70,000.00

COMMISSIONS:

Bell Telephone	9,051.03
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SALES:

Photocopier Revenue	361.25
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MISCELLANEOUS:

Witness Fees	757.87
Sales Tax	41.01
Scrap Metal	665.95
Absences-Local 167	316.62
Cheques Written Off/Reinstated	9,076.66
Federal Excise Tax	10,370.59
Other Revenue	76.12
OMERS Refunds	86.24
Abandon. Agree.- Robinsons	29,358.07
Fee-Canada Savings Bonds	1,380.00

Total Revenue To Date	61,541.41
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Less: Appropriation	70,000.00
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(8,458.59)

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CITY OF HAMILTON
TREASURY

UNCLASSIFIED EXPENDITURES
AS AT SEPTEMBER 30, 1990

Centre Number: CH 24210
Appropriation: \$ 75,000.00

LUNCHEONS, DINNERS, SANDWICHES, COFFEES, ETC.

City Council	2,812.05
Executive Committee	84.44
Transport and Environment Committee	1,734.53
Keep Hamilton Clean Committee	238.88
Parks and Recreation	2,207.25
Crystal Palace Subcommittee	459.85
Golf Subcommittee	404.76
Hamilton Historical Board	3,248.37
Citizen Advisory	814.95
Waterfront Park Subcommittee	76.90
Planning and Development	2,705.49
Committee of Adjustment	685.13
C.A.I.P. Subcommittee	104.22
Downtown Action Plan	147.42
Non-Profit Housing	982.88
Hamilton Housing Corp	111.71
Legislation Committee	351.15
License Subcommittee	2,449.07
Farmers Market Subcommittee	255.04
French Subcommittee	399.10
Non Smoking Subcommittee	18.95
2nd Level Lodging Home	28.02
Taxi Force Sub-Committee	1,349.49
Insurance Advisory Subcommittee	116.24
Personnel Committee	20.79
Property Standards-Subcommittee	68.76
Finance and Administration Committee	7,579.43
Mundialization Committee	635.51
Football Hall of Fame	1,414.44
Canusa Games Committee	1,227.67
Civic Charity Committee	227.45
Management Team	480.01
Hamilton Arts Award	2,308.51
Hamilton Philharmonic Concert Committee	358.68
Black Women's Small Business	244.40

CITY OF HAMILTON
TREASURY

UNCLASSIFIED EXPENDITURES
AS AT SEPTEMBER 30, 1990

Centre Number:- CH 24210
Appropriation: S 75,000.00

MISCELLANEOUS

Cashiers Over and Short	4.00
Bell Telephone - Miscellaneous	12.62
258 Beach Blvd. - Maintenance Charges	960.00
Flowers and Wreaths	396.94
By-law Registration	1,833.00
Parking and Cab expenses	379.00
Hydro Charges - Road Sign	111.36
Mayor-Federation of Cdn. Municipalities-Brd of Directors	2,467.93
Long Term Emp. Gift Fund	750.00
T.H.& B. Rwy Realty Taxes	1,028.39
Banner-Welcome To Hamilton	297.00
Gallery of Dis. Award	1,000.00
Luncheon-Foggia Delegation	599.13
Arts & the Cities Lunch	275.19
P.A. System - Transport and Environment	1,063.80
Corporate Challenge	1,966.47
Italian Students Delegation	564.89
Hospitality Room-CPRA Conference	499.73
F.C.M. Conference - Carson	325.00
Smoking Cessation Program	3,681.92
United Way	300.00
C.P.P. & U.I.C. adjustment	116.99
Legal-Wellenreiter vs Mayor	695.40
City Hall Open House	573.57
Travel Expense-B. Janssen	3,398.50
Reception-Boris Brott	800.00
Legal Services-Fire Dept	568.00
Visit-Ukrainian Mayor	1,699.59
Donation-Phillipines/Iran Relief	1,000.00

Total Expended	63,719.96
Less: Appropriation	75,000.00

Balance - Surplus (Deficit)	11,280.04
	=====

CITY OF HAMILTON

- INFORMATION -

F(iv)

DATE: 1990 October 17

REPORT TO: Mr. J. D. Thompson, Secretary
Finance and Administration Committee

FROM: Mr. E. C. Matthews
Treasurer

SUBJECT: SUMMARY OF REVENUES AND EXPENDITURES FOR THE NINE
MONTHS ENDED SEPTEMBER 30, 1990 COMPARED WITH
BUDGET

BACKGROUND:

Attached is a Summary of Revenues, (Pages 1 and 2) and a Summary of Expenditures by Standing Committee (Page 3) for the period ended September 30, 1990, comparing budget to actual for 1990 and also comparing the current percentage of actual to budget with the previous year's percentage.

The attached report is the third status report for 1990 of the Summary of Revenues and Expenditures. As you are aware, it is over a year since the new financial system was installed by the Treasury Department covering a massive amount of information and involving a conversion to new account numbers and a shift in responsibility of "ownership" of the system from the Information Systems Department to the individual users. The system is on line - real time, which allows input to immediately update the General Ledger which can be accessed via an enquiry screen.

Development and innovation of the system is an ongoing task. Improvements and enhancements to accomplish the efficiency and effectiveness of its processing and output potential is occurring daily.

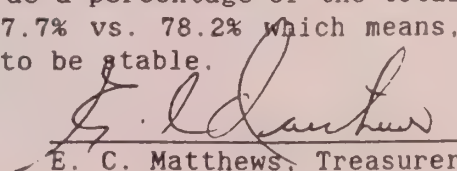
I am sending a copy of this report along with the appropriate financial information to the respective secretaries of the other three standing committees, and other committees, for their review. Each committee report contains Treasury comments.

REVENUES:

Pages 1 and 2 - Page 2, Revenues in total for 1990 are slightly lower than 1989 - 97.6% vs. 99.2% which means, overall, the position through to year end appears to be stable.

EXPENDITURES:

Page 3, Total City Expenditures for 1990 expressed as a percentage of the total approved budget are slightly lower than 1989 - 77.7% vs. 78.2% which means, overall, the position through to year end appears to be stable.


E. C. Matthews, Treasurer

Att'd.

c.c. Mrs. S. Reeder, Secretary, Planning and Development Committee
Mrs. L. Dale, Secretary, Parks and Recreation Committee
Ms. T. Agnello, Secretary, Transport and Environment Committee
Mr. J. Thompson, Secretary, Finance and Administration Committee
Mr. S. Dembe, Secretary, Hamilton-Scourge Committee
Mr. D. Carson, Executive Assistant to the Mayor

CITY OF HAMILTON

SUMMARY OF THE CITY REVENUES FOR THE PERIOD ENDED SEPTEMBER 30, 1990

DESCRIPTION (1)	APPROVED BUDGET (2)	REVENUE TO-DATE (3)	PERCENT REVENUE TO-DATE CURR YR (4)	PERCENT REVENUE TO-DATE PREV YR (5)	BALANCE (6)
PREVIOUS YEAR SURPLUS	1,000,000	1,000,000	100.0	100.0	0
TAXATION					
1990 LEVY	385,806,170	385,806,170	100.0	100.0	0
SUPPLEMENTARY	5,271,730	2,664,399	50.5	101.6	2,607,331
SPECIAL ASSESSMENTS	7,422,310	6,320,140	85.2	97.0	1,102,170
TOTAL TAXATION	398,500,210	394,790,709	99.1	99.9	3,709,501
OTHER REVENUES					
GRANTS, SUBSIDIES	31,412,790	28,487,456	90.7	97.8	2,925,334
TRANSFER FROM RESERVES	1,168,240	1,168,240	100.0	100.0	0
FINANCIAL	866,180	557,622	64.4	69.5	308,558
TOTAL OTHER REVENUES	33,447,210	30,213,318	90.3	97.1	3,233,892

CITY OF HAMILTON

SUMMARY OF THE CITY REVENUES FOR THE PERIOD ENDED SEPTEMBER 30, 1990

DESCRIPTION (1)	APPROVED BUDGET (2)	REVENUE TO-DATE (3)	PERCENT REVENUE TO-DATE CURR YR (4)	PERCENT REVENUE TO-DATE PREV YR (5)	BALANCE (6)
USER FEES					
CITY CLERK	1,293,990	1,144,136	88.4	82.9	149,854
TREASURY-Interest, Tax Penalty	8,374,360	8,092,937	96.6	97.9	281,423
PLANNING	119,100	74,612	62.6	61.3	44,488
REAL ESTATE AND PROPERTY AND					
MAINTENANCE	843,380	615,179	72.9	75.0	228,201
COMMUNITY DEVELOPMENT	271,380	259,818	95.7	78.0	11,562
FIRE	80,000	51,805	64.8	72.9	28,195
BUILDING	4,000,000	2,623,606	65.6	111.5	1,376,394
LOCAL ROADS - REGION	42,520	28,542	67.1	68.1	13,978
STREETS AND SANITATION	459,750	412,505	89.7	85.3	47,245
CEMETERIES	1,266,920	832,912	65.7	73.9	434,008
FLEET SERVICES	34,810				34,810
RECREATION & COMMUNITY SERVICES	3,211,680	2,992,353	93.2	84.5	219,327
CULTURE	260,260	195,721	75.2	72.3	64,539
TRAFFIC	3,176,940	2,115,628	66.6	83.9	1,061,312
TOTAL USER FEES	23,435,090	19,439,754	83.0	88.9	3,995,336
REPORT TOTAL	456,382,510	445,443,781	97.6	99.2	10,938,729

CITY OF HAMILTON
TREASURY

FINANCE AND ADMINISTRATION COMMITTEE

FINANCIAL REPORT OF CURRENT ESTIMATES FOR THE FINANCE AND ADMINISTRATION COMMITTEE
FOR THE PERIOD ENDED SEPTEMBER 30, 1990

DESCRIPTION (1)	APPROVED BUDGET (2)	OUTSTANDING COMMITMENTS (3)	EXPENDITURES TO DATE (4)	TOTAL (5)	PERCENT EXPENDED CURR YR (6)	PREV YR (7)	BALANCE (8)
FINANCE AND ADMINISTRATION COMMITTEE	97,499,060	1,433,339	77,149,519	78,582,858	80.6	79.8	18,916,202
PARKS AND RECREATION	22,131,500	325,645	15,675,655	16,001,300	72.3	73.5	6,130,200
PLANNING AND DEVELOPMENT	6,615,360	3,422	4,856,763	4,860,185	73.5	72.7	1,755,175
TRANSPORT AND ENVIRONMENT	25,150,790	206,557	18,141,950	18,348,507	73.0	66.5	6,802,283
TOTAL STANDING COMMITTEES	151,396,710	1,968,963	115,823,887	117,792,850	77.8	73.1	33,603,860
OTHER SPECIAL COMMITTEES							
HAMILTON SCOURGE PROJECT	159,560		84,344	84,344	52.9	54.1	75,216
INFORMATION SYSTEMS	3,448,940	446,080	2,159,174	2,605,254	75.5	78.6	843,686
MAYOR'S RACE RELATIONS COMMITTEE	12,500		5,308	5,308	42.5	18.0	7,192
TOTAL SPECIAL COMMITTEES	3,621,000	446,080	2,248,826	2,694,906	74.4	77.4	926,094
TOTAL CITY EXPENDITURES	155,017,710	2,415,043	118,072,713	120,487,756	77.7	78.2	34,529,954
REGIONAL COUNCIL AND EDUCATIONAL BOARDS							
REGION	107,207,300	26,801,300	80,406,000	107,207,300	100.0	100.0	0
BOARD OF EDUCATION	159,859,200	39,964,200	119,895,000	159,859,200	100.0	100.0	0
SEPARATE SCHOOL BOARD	34,298,300	8,574,300	25,724,000	34,298,300	100.0	100.0	0
TOTAL REGIONAL COUNCIL AND EDUCATIONAL BOARDS	301,364,800	75,339,800	226,025,000	301,364,800	100.0	100.0	0
	456,382,510	77,754,843	344,097,713	421,852,556	92.4	92.0	34,529,954

TREASURY COMMENTS: The amounts and percentages shown above are consistent with the normal operations of the departments on a basis comparative to that of the prior year. Note the percentage comparisons in columns (6) and (7).

FINANCE AND ADMINISTRATION COMMITTEE

CITY OF HAMILTON
TREASURYFINANCIAL REPORT OF CURRENT ESTIMATES FOR THE FINANCE AND ADMINISTRATION COMMITTEE
FOR THE PERIOD ENDED SEPTEMBER 30, 1990

DESCRIPTION (1)	APPROVED BUDGET (2)	OUTSTANDING COMMITMENTS (3)	EXPENDITURES TO DATE (4)	TOTAL (5)	PERCENT EXPENDED CURR YR (6)	PERCENT EXPENDED PREV YR (7)	BALANCE (8)
LEGISLATIVE							
CLERK	1,337,330	9,862	972,381	982,243	73.4	73.6	355,087
CHIEF ADMINISTRATIVE OFFICE	2,644,150	22,295	2,009,612	2,031,907	76.8	73.9	612,243
FIRE	178,080	102	132,552	132,654	74.5	74.5	45,426
HUMAN RESOURCES	30,488,420	332,177	21,886,657	22,218,834	72.9	70.4	8,269,586
PROPERTY - REAL ESTATE	2,163,430		1,741,720	1,741,720	80.5	71.1	421,710
- PROPERTY	558,140	10,549	407,376	417,925	74.9	75.9	140,215
- ARCHITECT	6,192,020	182,317	3,762,613	3,944,930	63.7	59.8	2,247,090
CITY SOLICITORS	425,940	868	291,139	292,007	68.6	66.0	133,933
TREASURY - FINANCE	1,806,500	6,488	1,021,743	1,028,231	56.9	75.9	778,269
- PURCHASING	3,098,330	34,201	2,206,000	2,240,201	72.3	73.2	858,129
- CITY GARAGE	378,880	5,222	260,044	265,266	70.0	70.2	113,614
	0	6,827	(13,062)	(6,235)	0.0	0.0	6,235
TOTAL DEPARTMENTS	49,271,220	610,908	34,678,775	35,289,683	71.6	73.8	13,981,537
LOCAL BOARDS							
LIBRARY	11,934,710		9,353,833	9,353,833	78.4	58.9	2,580,877
PARKING	70,290		437,443	437,443			(344,739)
H.E.C.F.I.	2,205,320		2,047,497	2,047,497	92.8	52.4	157,823
CENTRAL UTILITIES PLANT	2,724,340	69,029	1,795,562	1,864,591	68.4	70.5	859,749
TOTAL LOCAL BOARDS	16,864,370	69,029	13,196,892	13,265,921	78.7	68.1	3,598,449

FINANCE AND ADMINISTRATION COMMITTEE

CITY OF HAMILTON
TREASURYFINANCIAL REPORT OF CURRENT ESTIMATES FOR THE FINANCE AND ADMINISTRATION COMMITTEE
FOR THE PERIOD ENDED SEPTEMBER 30, 1990

DESCRIPTION (1)	APPROVED BUDGET (2)	OUTSTANDING COMMITMENTS (3)	EXPENDITURES TO DATE (4)	TOTAL (5)	PERCENT EXPENDED CURR YR (6) PREV YR (7)	BALANCE (8)
OTHER BUDGETS						
H.S.P.C.A.	828,910		624,392	624,392	75.3	204,518
MUNDIALIZATION COMMITTEE	7,790		2,149	2,149	27.6	5,641
STATUS OF WOMEN COMMITTEE	10,450		4,910	4,910	47.0	13.4
PUBLIC RELATIONS	165,000		101,315	101,315	61.4	5,540
RECEPTIONS AND PUBLIC EVENTS	68,000	3,640	70,930	74,570	109.7	63,685
GRANTS	600,000		544,727	544,727	90.8	(6,570)
TOTAL OTHER BUDGETS	1,680,150	3,640	1,348,424	1,352,064	80.5	55,273
SUBTOTAL						
	67,815,740	683,577	49,224,091	49,907,668	73.6	17,908,072
FINANCIALS						
DEBT CHARGES - LOCAL IMPROVEMENTS	477,490		477,490	477,490	100.0	0
CAPITAL LEVY	5,902,000		5,902,000	5,902,000	100.0	0
PROVISION FOR DEBT RESERVE	14,724,000		14,724,000	14,724,000	100.0	0
PROVISION FOR OTHER RESERVES	4,007,040	655,771	3,351,269	4,007,040	100.0	0
FINANCIAL - VARIOUS	4,006,530	93,829	2,993,828	3,087,657	77.1	918,873
CONTINGENCY	57,000					57,000
MISCELLANEOUS	509,260	162	476,842	477,004	93.7	32,256
TOTAL FINANCIALS	29,683,320	749,762	27,925,429	28,675,191	96.6	1,008,129

CITY OF HAMILTON
TREASURY

FINANCE AND ADMINISTRATION COMMITTEE

FINANCIAL REPORT OF CURRENT ESTIMATES FOR THE FINANCE AND ADMINISTRATION COMMITTEE
FOR THE PERIOD ENDED SEPTEMBER 30, 1990

DESCRIPTION (1)	APPROVED BUDGET (2)	OUTSTANDING COMMITMENTS (3)	EXPENDITURES TO DATE (4)	TOTAL (5)	PERCENT EXPENDED CURR YR PREV YR (6) (7)	BALANCE (8)
TOTAL FINANCE & ADMINISTRATION COMMITTEE	97,499,060	1,433,339	77,149,519	78,582,859	80.6	79.8
						18,916,201

TREASURY COMMENTS: The amounts and percentages shown above are consistent with the normal operations of the departments, local boards and other accounts on a basis comparative to that of the prior year. Note the percentage comparisons in columns (6) and (7).

HAMILTON SOURCE PROJECT

CITY OF HAMILTON
TREASURY

FINANCIAL REPORT OF CURRENT ESTIMATES FOR SPECIAL COMMITTEES OF COUNCIL
FOR THE PERIOD ENDED SEPTEMBER 30, 1990

DESCRIPTION (1)	APPROVED BUDGET (2)	OUTSTANDING COMMITMENTS (3)	EXPENDITURES TODATE (4)	TOTAL (5)	PERCENT EXPENDED CURR YR (6)	PERCENT EXPENDED PREV YR (7)	BALANCE (8)
HAMILTON SOURCE PROJECT	159,560	0	84,344	84,344	52.9	54.1	75,216
	159,560	0	84,344	84,344	52.9	54.1	75,216

TREASURY COMMENTS: The amounts and percentages shown above are consistent with the normal operations of the departments on a basis comparative to that of the prior year. Note the percentage comparisons in columns (6) and (7).

INFORMATION SYSTEMS

CITY OF HAMILTON
TREASURY

FINANCIAL REPORT OF CURRENT ESTIMATES FOR SPECIAL COMMITTEES OF COUNCIL
FOR THE PERIOD ENDED SEPTEMBER 30, 1990

DESCRIPTION (1)	APPROVED BUDGET (2)	OUTSTANDING COMMITMENTS (3)	EXPENDITURES TODATE (4)	TOTAL (5)	PERCENT EXPENDED CURR YR (6)	PERCENT EXPENDED PREV YR (7)	BALANCE (8)
INFORMATION SYSTEMS	3,448,940	446,080	2,159,174	2,605,254	75.5	78.6	843,686
	3,448,940	446,080	2,159,174	2,605,254	75.5	78.6	843,686

TREASURY COMMENTS: The amounts and percentages shown above are consistent with the normal operations of the departments on a basis comparative to that of the prior year. Note the percentage comparisons in columns (6) and (7).

PLANNING AND DEVELOPMENT COMMITTEE

CITY OF HAMILTON
TREASURY

FINANCIAL REPORT OF CURRENT ESTIMATES FOR THE PLANNING AND DEVELOPMENT COMMITTEE
FOR THE PERIOD ENDED SEPTEMBER 30, 1990

DESCRIPTION (1)	APPROVED BUDGET (2)	OUTSTANDING COMMITMENTS (3)	EXPENDITURES TODATE (4)	TOTAL (5)	PERCENT EXPENDED CURR YR PREV YR (6) (7)	BALANCE (8)
COMMUNITY DEVELOPMENT	550,630	624	424,537	425,161	77.2	125,470
BUILDING	4,154,270	2,798	3,011,208	3,014,006	72.6	1,140,264
PLANNING BY REGION	1,883,610		1,421,018	1,421,018	75.4	462,592
COMMITTEE OF ADJUSTMENT	11,000					11,000
HAM. HOUSING DEFICIT	14,650					14,650
MAYOR'S AWARD PROGRAM	1,200					1,200
	6,615,360	3,422	4,856,763	4,860,185	73.5	1,755,176

TREASURY COMMENTS: The amounts and percentages shown above are consistent with the normal operations of the departments on a basis comparative to that of the prior year. Note the percentage comparisons in columns (6) and (7).

PARKS AND RECREATION COMMITTEE

CITY OF HAMILTON
TREASURY

FINANCIAL REPORT OF CURRENT ESTIMATES FOR THE PARKS AND RECREATION COMMITTEE
FOR THE PERIOD ENDED SEPTEMBER 30, 1990

DESCRIPTION (1)	APPROVED BUDGET (2)	OUTSTANDING COMMITMENTS (3)	EXPENDITURES TODATE (4)	TOTAL (5)	PERCENT EXPENDED CURR YR (6)	PERCENT EXPENDED PREV YR (7)	BALANCE (8)
CEMETERIES	2,861,050	67,693	1,946,699	2,014,392	70.4	63.9	846,658
PARKS	8,804,700	132,204	5,501,311	6,633,515	75.3	82.4	2,171,185
RECREATION	8,989,880	79,585	6,231,922	6,311,507	70.2	69.6	2,678,373
CULTURE	1,402,120	46,121	946,293	992,414	70.8	62.3	409,706
HAMILTON VETERANS COMMITTEE	16,260		6,895	6,895	42.4	50.4	9,365
WATERFRONT PROJECT	57,490	42	42,535	42,577	74.1	73.0	14,913
	22,131,500	325,645	15,675,655	16,001,300	72.3	73.5	6,130,200

TREASURY COMMENTS: The amounts and percentages shown above are consistent with the normal operations of the departments on a basis comparative to that of the prior year. Note the percentage comparisons in columns (6) and (7).

TRANSPORT AND ENVIRONMENT COMMITTEE

CITY OF HAMILTON
TREASURY

FINANCIAL REPORT OF CURRENT ESTIMATES FOR THE TRANSPORT AND ENVIRONMENT COMMITTEE
FOR THE PERIOD ENDED SEPTEMBER 30, 1990

DESCRIPTION (1)	APPROVED BUDGET (2)	OUTSTANDING COMMITMENTS (3)	EXPENDITURES TODATE (4)	TOTAL (5)	PERCENT CURR YR (6)	PERCENT EXPENDED PREV YR (7)	BALANCE (8)
TRAFFIC	3,888,490	74,908	3,049,193	3,124,101	80.3	78.3	764,389
PUBLIC WORKS	16,418,270	88,407	12,379,382	12,467,789	75.9	66.1	3,950,481
CENTRAL SERVICES GARAGE	(1,200)	43,242	191,746	234,988			(236,188)
SERVICES PURCHASED FROM THE REGION - LOCAL ROADS	3,788,690		1,906,262	1,906,262	50.3	50.4	1,882,428
- SCHOOL TRAFFIC	990,440		565,610	565,610	57.1	77.0	424,830
- POLLUTION CONTROL	66,100		49,757	49,757	75.3	68.0	16,343
	25,150,790	206,557	18,141,950	18,348,507	73.0	66.5	6,802,283

TREASURY COMMENTS: The amounts and percentages shown above are consistent with the normal operations of the departments on a basis comparative to that of the prior year. Note the percentage comparisons in columns (6) and (7).

MAYOR'S RACE RELATIONS COMMITTEE

CITY OF HAMILTON
TREASURY

FINANCIAL REPORT OF CURRENT ESTIMATES FOR SPECIAL COMMITTEES OF COUNCIL
FOR THE PERIOD ENDED SEPTEMBER 30, 1990

DESCRIPTION (1)	APPROVED BUDGET (2)	OUTSTANDING COMMITMENTS (3)	EXPENDITURES TODATE (4)	TOTAL (5)	PERCENT EXPENDED CURR YR (6)	PERCENT EXPENDED PREV YR (7)	BALANCE (8)
MAYOR'S RACE RELATIONS COMMITTEE	12,500		5,308	5,308	42.5	18.0	7,192
	12,500	0	5,308	5,308	42.5	18.0	7,192

TREASURY COMMENTS: The amounts and percentages shown above are consistent with the normal operations of the departments on a basis comparative to that of the prior year. Note the percentage comparisons in columns (6) and (7).

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25073	R. BLUE/BLEU R.	BB2507
25074	GREY/GRIS	BD2507
25075	GREEN/VERT	BP2507
25077	TANGERINE	BA2507
25078	RED/ROUGE	BF2507
25079	X. RED/ROUGE X.	BX2507

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